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RELATING TO

THE HOOGHLY IMAMBARAH.

1815—1910.



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INTRODUCTION.

THIS collection of papers, which has been compiled under the instructions of the Hon'ble Nawab Syed Shams-ul-Huda, M.A. B.L., Member, Executive Council, Bengal, from the records of the Government of Bengal and of the Bengal Board of Revenue, relates to the Hooghly Imambarah, a Muhammadan religious institution maintained out of the income of the Syodpur Trust Estate now in the district of Khulna. The papers have been arranged in chronological order and give a detailed account of the affairs of the Imambarah from 1815 to 1910. The trust was created by Hajee Muhammad Mohsin who inherited the zamindari of Pargana Syedpur from his half-sister, Mannoojam Khanum. The Hajee had no lawful heirs and he created a *wakf* of the said zamindari for religious and charitable purposes by the deed of appropriation, dated the 20th April 1806, and appointed Rajub Uli Khan and Shakur Uli Khan, Mutwallis or Trustees of the Endowment, authorizing either of them, in case of inability to discharge the duties of the trust, to appoint another trustee in his place. Agreeably to the terms of the deed, the Board of Revenue recognised the abovenamed persons as trustees and they managed the trust both during the life time of the appropriator and after his death.

In 1220 B. S. (1813 A.D.) Shakur Uli Khan, being seriously ill, appointed his son Bakur Uli Khan to be trustee in his place and shortly after died, and in the same year Rajub Uli Khan who had become very old and infirm in like manner appointed his son Wasiq Uli Khan to succeed him in the management of the trust.

In 1818 Government was compelled to take upon itself the procuratorship of the endowment in consequence of the misappropriation of its funds by the abovenamed Mutwallies (Bakur Uli and Wasiq Uli), and appointed Akbar Uli Khan in their place to manage the endowment. Upon this litigation ensued, the result of which was that in a decree passed in 1836 the Sudder Dewany Adawlut supported Government in its interference. A list of the Mutwallis showing under what authorities they were appointed is given below.

At the commencement of this compilation has been placed a consolidated list of the papers printed and of those eliminated. Then follows a photograph of the original Waqfnamah in Persian, alluded to

above. An English translation of it prepared by the Sudder Dewany Adawlut will be found in the judgment of that Court in the case of Wasiq Uli *versus* Government, dated the 22nd September 1836, which has also been incorporated in the book. In addition to these has been given a summary of certain extracts from "Tabaqua-i-Mohsinya," a Persian History of the Imambarah written by Nawabzada Syed Ashrafuddin Ahmad, Khan Bahadur, the present Mutwalli, showing the relation between Salahuddin Muhammad Khan, the original founder of the Imambarah and Hajee Muhammad Mohsin. Another document bearing on the same subject, viz. the report of 1st January 1835 of Mr. Sutherland, Pleader employed on behalf of Government in the case of Wasiq Uli *versus* Government, has been likewise incorporated in this publication. To facilitate the tracing of information on particular points an alphabetical index has been added at the end.

Names of Mutwallis.	Authorities under which they were appointed.	
1. Rajub Uli Khan 2. Shakur Uli Khan	} Joint Mutwallis	
	Appointed by the Waqf- namah of the testator.	
3. Bakur Uli Khan	...	... Verbally appointed by his father Shakur Uli in Bysakh 1220 B. S. (April 1813 A.D.)
4. Wasiq Uli Khan	...	... By a 'Towleutnamah executed by his father Rajub Uli dated 13th January 1814.
5. Akbar Uli Khan	...	... G. O. No. 833, dated 7th August 1818 (<i>vide</i> also Board's letter of 16th July 1819).
6. Ghalib Ali (son-in-law of Akbar Uli), temporarily	...	Hooghly Local Agents' No. 26, dated 22nd June 1836.
7. Zainuddin Hossain, temporarily	...	Hooghly Local Agents' No. 28, dated 29th June 1836.
8. Syed Keramat Ali	...	... G. O. No. 12, dated 3rd January 1837.
9. Syed Ashrafuddin Ahmed	...	G. O. No. 1302T, dated 25th June 1875.

A PHOTOGRAPH of the original Waqf-namah, dated the 20th April 1806, of the late Hajee Muhammad Mohsin, by which he dedicated his landed properties to religious and charitable purposes, is placed at the beginning of the book. An English translation of it will be found at page 225, in the judgment, dated the 22nd September 1836, of the Sudder Dewany Adawlut, in the case, Wasiq Alee Khan *versus* the Government.

List of papers arranged chronologically from 1815 to 1910 relating to the Hooghly Imambarah.

Short title.	Subject.	Page.	REMARKS.
1	2	3	
Mismanagement of the Imambarah and proposal for the appointment of an Ameen.	Letter, dated the 4th August 1815, from the Board of Revenue to the Vice-President and Deputy Governor in Council, reporting the mismanagement of the Imambarah at Hooghly and unfitness of the joint Mutwallees, and proposing to appoint an Ameen (Manager) for the supervision of the affairs of the institution (the Imambarah.)	1	
	Letter, dated the 6th September 1815, from the Government to the Board of Revenue, sanctioning the appointment of an Ameen.	3	
Appointment of Syed Akbar Alee Khan as Ameen for the supervision of the affairs of the Imambarah.	Letter, dated the 10th November 1815, from the Board of Revenue to the Local Agents at Hooghly, intimating that the Board have accorded sanction to the appointment of Syed Akbar Alee Khan as an Ameen.	5	
	Letter, dated the 24th November 1815, from the Government to the Board of Revenue, approving the appointment of Syed Akbar Alee Khan as Ameen of the institution at Hooghly.	6	
	Letter, dated the 15th January 1816, from the Local agents at Hooghly to the Board of Revenue, requesting to grant a fresh sunnad to Syed Akbar Ali Khan, vesting him with the exclusive control in the management of the institution of Salahuddin Muhammad Khan at Hooghly.	7	Copy of darkhast referred to in this letter is not traceable.

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
	Letter, dated the 5th March 1816, from the Board of Revenue to the Local Agents, Jessore, directing the Ameen, Syed Akbar Ale Khan, to proceed to the head catchery of the Pergannah for the purpose of forming the mufassil settlement and generally to superintend the affairs of the estate.	8	
	Letter, dated the 28th March 1816, from the Collector of Jessore to the Board of Revenue, forwarding a darkhast of Ameen, Syed Akbar Ale Khan, informing the Collector that the accounts and papers regarding the estate over which he was placed as Controller and Manager were, according to the declaration of the Mutwallees, destroyed by fire.	...	Not printed.
	Letter, dated the 3rd April 1816, from the Collector of Jessore to the Board of Revenue, forwarding a darkhast presented to him by Akbar Ale Khan, saying that the true and actual resources of the estate could not be ascertained but by general measurement of it.	...	Not printed.
	Letter, dated the 9th April 1816, from the Board of Revenue to the Collector of Jessore, informing that the Board consider it expedient to place the estate under sequestration, and directing to depute persons to take charge of it and to realise the arrears due.	...	Not printed.
	Letter, dated the 26th April 1816, from the Board of Revenue to the Sudder Dewanny Adawlut, acknowledging the receipt of a proceeding of the Sudder Dewanny Adawlut in the case, Ghalib Allee <i>versus</i> Rojub Ale and others regarding the attachment of the estate by the Government for an arrear of revenue.	...	Not printed.
	Letter, dated the 27th May 1816, from the Collector, Jessore, to the Board of Revenue, suggesting, for the conduct of the business of the estate, the employment of persons in the estate wholly independent and unconnected with it, and not those who were employed during the life of the Hajee in whose time the estate was in arrears.	9	
	Letter, dated the 12th June 1816, from the Collector, Jessore, to the Board of Revenue, informing that the arrears due to Government on account of the rents of the estate for the Bengali year 1222 are irrecoverable.	11	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Surrender of the estate again to the joint Mutwallees on condition for good management.	Letter, dated the 13th June 1816, from the Collector of Jessore to the Board of Revenue, asking for the Board's opinion about the forming of certain mahals comprised in the estate.	...	Not printed.
	Letter, dated the 14th June 1816, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letters dated the 27th May 1816 and 12th June 1816, informing that they have no objection to surrendering the estate again to the Mutwallees, if they agree to certain stipulations concerning the management of it, and that what they desire is to appropriate the profits of the estate to the purposes prescribed in the towleuthnama.	13	
	Letter, dated the 9th July 1816, from the Collector of Jessore to the Board of Revenue, intimating in reply to the above letter that he has surrendered the estate to the former Mutwallees, Rajab Alee and Baqir Alee, on certain conditions for good management.	15	
	Letter, dated the 12th July 1816, from the Board of Revenue to the Collector of Jessore, approving the surrender of the estate to the Mutwallees.	16	
	Letter, dated the 22nd August 1816, from the Collector of Jessore to the Board of Revenue, forwarding certain petitions of jamadars and burkundazes attached to the estate under the superintendence of Rajab Alee and Baqir Alee for the non-payment of their pay.	...	Not printed.
	Letter, dated the 27th August 1816, from the Board of Revenue to the Collector of Jessore, asking for a statement showing the amount of collections from the mufassil and the amount collected up to date.	...	Not printed.
	Letter, dated the 4th September 1816, from the Collector of Jessore to the Board of Revenue, submitting a petition of Baqir Alee Khan, one of the joint Mutwallees for the non-receipt of his mushahara.	...	Not printed.
	Letter, dated the 6th September 1816, from the Board of Revenue to the Collector of Jessore, declining to pay the mushahara of Baqir Alee Khan referred to above.	...	Not printed.

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
A notorious character named Moham m a d Ashin brought into the catchery of the Mutwallees at Syedpur by Baqir Alee Khan.	Letter, dated the 7th September 1816, from the Collector of Jessore to the Board of Revenue, informing that a man of notorious character named Mohammad Ahsin was brought into the catchery of the Mutwallees at Syedpur by the Mutwallee, Baqir Alee Khan.	17	
	Letter, dated the 17th September 1816, from the Board of Revenue to the Collector of Jessore, informing that the Board, being Revenue authorities, cannot take any steps against Muhammad Ahsin.	...	Not printed.
	Letter, dated the 23rd September 1816, from the Collector of Jessore to the Board of Revenue, reporting disobedience on the part of the Mutwallees in not sending him the <i>Jumma Wasil Baki</i> accounts of the Trust Estate.	18	
Conduct of the joint Mutwallees in disobeying the orders of the Collector of Jessore.	Letter, dated the 24th September 1816, from the Collector of Jessore to the Board of Revenue, reporting the conduct of the Mutwallees in disobeying his orders.	19	
	Letter, dated the 4th October 1816, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letter dated the 23rd September 1816, directing to threaten the Mutwallees with a daily fine on their failure to furnish him with the accounts of the estate.	21	
	Letter, dated the 4th October 1816, from the Board of Revenue to the Collector of Jessore, authorising him to draw bills on the Collector of Burdwan for the amount of Rs. 4,000 to be spent on the Imambarah and wages of the servants of the establishment.	22	
	Letter, dated the 4th October 1816, from the Board of Revenue to the Collector of Jessore, in reply to his letter dated the 24th September 1816, intimating that an arrangement will be made for the better management of the estate of Syedpur.	23	
	Letter, dated the 14th October 1816, from the Collector of Jessore to the Board of Revenue, informing that Munshi Muhammad Ahsin has been prohibited from interfering with the business of the estate, and that Digamber Duit has been allowed to act as Dewan.	...	Not printed.

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
	Letter, dated the 15th October 1816, from the Collector of Jessore to the Board of Revenues, forwarding a statement of the revenues due from the Mutwallees of the pergannah Syedpur.	...	Not printed.
	Letter, dated the 18th October 1816, from the Board of Revenue to the Collector of Jessore, refusing to accept the Collector's action re-appointing Degumber Dutt as Dewan of the estate.	...	Not printed.
	Letter, dated the 18th October 1816, from the Board of Revenue to the Collector of Jessore, requesting to furnish the Board with a <i>jumma</i> and <i>khurch</i> or a statement of receipts and disbursements.	...	Not printed.
Board's resolution for the better management of the estate and the institution at Hooghly under regulation 19 of 1810.	Resolution of the Board of Revenue, dated the 12th November 1816, calling on the Collector of Jessore to submit the <i>Jumma Wasil Bakee</i> accounts of the Malguzari estate of Syedpur, with a view to removing the Mutwallees, Rajib Alee Khan and Baqir Alee Khan, and providing for better management of the estate and the Institution at Hooghly under regulation 19 of 1810.	24	
Charges for the performance of Mohurrun at Moorley.	Letter, dated the 13th November 1816, from the Collector of Jessore to the Board of Revenue, forwarding a list showing the charges for the performance of the Mohurrun, etc., at Moorley and other stations subordinate to Pergannah Syedpur, and asking for the Board's instructions as to whether the Treasurer, on the part of the Collector, is to advance the sum of Rs. 163-8 to the Mutwallees for the purpose.	25	
Board's resolution for attachment of the estate for arrears of revenue due to Government.	Resolution of the Board of Revenue of the 15th November 1816, directing the Collector of Jessore to put the estate under immediate attachment owing to arrears of revenue due to Government against the estate, and to invest Akbar Alee Khan with the charge of the entire collections of it as Sezawal till Board's further orders, and rejecting the application of the joint Mutwallees for the Muhurrun expenses at Moorley for the time being.	26	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Investiture of Syed Akbar Aleo Khan with the entire control of the estate and the institution.	A sunnud, dated the 15th November 1816, issued by the Board of Revenue to Syed Akbar Aleo Khan (Uli Akbar Khan), the Ameen of the estate of Syedpur, vesting him with the entire control of it and the institution.	27	
An abstract of <i>Jumma Wasil Bakee</i> accounts of the Malguzaree estates of Syedpur.	Letter, dated the 22nd November 1816, from the Collector of Jessore to the Board of Revenue, in reply to the Board's resolutions dated the 12th and 15th November 1816, submitting an abstract of the <i>Jumma Wasil Bakee</i> accounts of the Mulguzaree estates of Syedpur.	28	
	Letter, dated the 25th November 1816, from the Collector of Jessore to the Board of Revenue, in reply to the Board's letter dated the 15th November 1816, informing that necessary proclamation of the attachment of the estate and of the appointment of Akbar Aleo Khan as Sezawal has been issued to talookdars, rayats and farmers.	29	The proceeding referred to in this letter is not traceable.
	Letter, dated the 29th November 1816, from the Board of Revenue to the Collector of Jessore, in reply to the above letters, approving the measures taken by the Collector to carry into effect the Board's resolution of the 15th November 1816 in regard to the attachment of the estate by Government for arrears of revenue.	31	
	Letter, dated the 19th December 1816, from the Collector of Jessore to the Board of Revenue, asking for sanction of the Board to the appointment of Putwaris in several villages of the estate, and to undertake a thorough measurement of the lands in order to secure better management of the internal affairs of it.	33	
Appointment of Putwaris in several villages of the estate.	Letter, dated the 27th December 1816, from the Board of Revenue to the Collector of Jessore, in reply to the above letter, authorising the Collector to sanction the appointment of Putwaris in those villages where there are none, and disallowing persons holding situations on the establishment of the estate to hold farms.	39	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Death of Rajab Aleo Khan.	Letter, dated the 28th January 1817, from the Collector of Hooghly to the Board of Revenue, reporting the death of Rajab Aleo Khan, one of the joint Mutwallees of the Imambarah.	42	
Internal management of the estate of Pergannah Syedpur.	Letter, dated the 28th March 1817, from the Collector of Jessore to the Board of Revenue, in reply to the Board's letter dated the 27th December 1816, giving a long account of the internal management of the estate of Pergannah Syedpur.	43	Some enclosures are not traceable.
	Letter, dated the 8th April 1817, from the Board of Revenue to the Collector of Jessore, in reply to the above letter, issuing necessary instructions to the Collector in regard to the internal management of the estate with reference to the points noted in the Collector's letter referred to.	...	Not printed.
	Letter, dated the 9th May 1817, from the Board of Revenue to the Local Agents at Hooghly, directing to submit a list of pensioners and servants who were borne on the establishment of the Hooghly Imambarah.	53	
	Letter, dated the 25th June 1817, from the Local Agent at Hooghly to the Board of Revenue, in reply to the above letter, asking for sanction to proceed with the Ameen on inquiry in connection with the preparation of a list of pensioners.	54	
	Letter, dated the 27th June 1817, from the Collector of Jessore to the Board of Revenue, forwarding a statement of the settlement of the 4 annas of Pergannah Syedpur.	...	Not printed.
	Letter, dated the 1st July 1817, from the Board of Revenue to the Collector of Jessore, in reply to the above letter sanctioning the settlement of the 4 annas of Pergannah Syedpur.	...	Not printed.
Preparation of a list of pensioners.	Letter, dated the 1st July 1817, from the Board of Revenue to Mr. D. C. Smyth, Local Agent at Hooghly, in reply to the above letter dated the 25th June 1817, sanctioning the proposal in connection with the preparation of a list of pensioners.	55	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
	Letter, dated the 1st July 1817, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letter dated the 27th June 1817, sanctioning the settlement of the 4 annas of Pergannah Syedpur.	...	Not printed.
	Letter, dated the 15th August 1817, from the Collector of Jessore to the Board of Revenue, informing that he has succeeded in farming several mahals in Pergannah Syedpur, and forwarding a statement showing the nature of the settlement of the 4 annas share of the Pergannah.	...	Not printed.
	Extract from a letter from the Local Agents at Hooghly, dated the 15th August 1817, regarding Wasiq Aleo's monthly allowance.	56	
	Extract from a letter, dated the 29th August 1817, from the Board of Revenue to the Local Agents at Hooghly, regarding Board's views on the subject of Wasiq Aleo's monthly allowance.	57	
Suspension of Baquir Aleo Khan and Wasiq Aleo Khan, and appointment of Akbar Aleo as Ameen.	Letter, dated the 12th September 1817, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letters dated the 13th August 1817* and the 15th August 1817, ordering the suspension of Baquir Aleo Khan and Wasiq Aleo Khan, Mutwallees of the Imambarah, on account of the embezzlement of the funds of the Trust Estate by them, and appointing Syed Akbar Aleo Khan as Ameen of the estate.	59	Not traceable.*
	Letter*, dated the 27th February 1818, from the Board of Revenue to the Local Agents at Hooghly, asking for a report on any grievances or malpractices in the present administration of the endowment.	63	
Institution of a suit in the Supreme Court by Torab Aleo, younger son of Shakir Aleo, against Akbar Aleo for the recovery of the money alleged to have been lent by him to Akbar Aleo Khan.	Letter, No. 637, dated the 12th June 1818, from the Government to the Board of Revenue, requesting to afford necessary assistance to Akbar Aleo Khan in connection with the suit, Torab Aleo Khan <i>versus</i> Akbar Aleo Khan.	65	
	Representation of Syed Akbar Aleo Khan to the Board of Revenue, dated the 27th June 1818, respecting the suit instituted by Torab Aleo Khan against him referred to above.	69	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Appointment of Akbar Alee Khan as Mutwallee.	Letter, No. 833, dated the 7th August 1818, from the Government of Bengal to the Board of Revenue, vesting the Ameen, Saiyid Akbar Alee Khan, with the charge of the estate and the institution at Hooghly.	73	
	Letter, dated the 11th December 1818, from the Government to the Board of Revenue, forwarding a petition of Wasiq Alee Khan, and asking for a report on the subject represented in his petition.	...	Not printed.
Embezzlement of the funds of the endowment, and profligate expenditure by Wasiq Alee and Baqir Alee.	Letter, dated the 16th July 1819, from the Board of Revenue to the Government of India, reporting the embezzlement of the funds of the endowment, and profligate expenditure shown in accounts by the joint Mutwallees (Wasiq Alee Khan and Baqir Alee Khan).	77	
	Letter, dated the 12th June 1820, from the Judge of Hooghly to the Board of Revenue, forwarding an original petition filed in the Judge's Court by one Muhammad Hossain against Akbar Alee Khan, the Mutwallee of the Imambarah at Hooghly.	...	Not printed.
	Letter, dated the 16th June 1820, from the Board of Revenue to the Local Agents at Hooghly, forwarding the petition made by one Muhammad Hossain against Akbar Alee Khan in the Judge's Court at Hooghly for inquiry and report.	...	Not printed.
	Letter, dated the 27th September 1820, from the Senior Judge of Alipore to the Board of Revenue, transmitting for consideration and orders of the Board of Revenue an original petition filed in the Judge's Court by Wasiq Alee Khan, an heir of Rajab Alee Khan.	...	Not printed.
	Letter, dated the 29th September 1820, from the Board of Revenue to the Senior Judge of Alipore, in reply to the above letter, informing that the measure on which Wasiq Alee Khan founds his complaint was adopted with the sanction of Government; and that should he actually institute a suit, the Local Agents and the Mutwallee would be prepared to defend it.	...	Not printed.

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Petition of plaint presented to the Judge of Hooghly by Waisiq Ale, claiming Rs. 7,800-6-9 from the Imambarah.	Letter, dated the 15th February 1821, from the Local Agents at Hooghly to the Board of Revenue, acknowledging the receipt of Board's letter* dated the 5th December 1820, with a copy of a petition of plaint presented to the Judge of Hooghly by Wasiq Ale Khan, claiming Rs 7,800-6-9 from the Imambarah on account of a sum said to have been lent by his father (Rajub Ale Khan) to the late Hajee Moham-mad Mohsin in 1212 A. H.	81	Not traceable.*
	Letter, dated the 27th February 1821, from the Board of Revenue to the Local Agents at Hooghly, instructing to take necessary steps to defend the suit pending in the Hooghly Dewan-y Adawlut referred to above.	83	.
Institution of a suit against the Government by Wasiq Ale Khan in the Provincial Court of Appeal at Calcutta.	Letter, dated the 2nd March 1821, from the Board of Revenue to the Local Agents at Hooghly, forwarding a copy of the petition of plaint filed in the Provincial Court of Appeal at Calcutta by Wasiq Ale Khan against the Government; and asking for a draft of the answer they (the Local Agents) would propose to file in the suit with reference to the correspondence which terminated in the removal of the late Mutwallees (Wasiq Ale Khan and Baqir Ale Khan).	84	.
Petition of plaint filed in the Court of Appeal at Calcutta by Wasiq Ale for the recovery of a share in the towleut of 4 annas of Pergannah Syedpur.	Letter, dated the 5th March 1821, from the Collector of Jessore to the Board of Revenue, forwarding a copy of a petition of plaint filed in the Court of Appeal at Calcutta by Wasiq Ale Khan for the recovery of a share in the towleut of the 4 annas of Pergannah Syedpur; and requesting for their order for filing a proper reply on the part of Government.	85	.
Division of the Trust Estate in putnee talooks.	Letter, dated the 9th March 1821, from the Collector of Jessore to the Board of Revenue, submitting his sentiment on the question of dividing the Trust Estate into putnee talooks.	87	.
	Letter, dated the 16th March 1821, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letter dated the 5th March 1821 above, directing to move the Court to comply with the provisions of section 3, regulation 2 of 1814, and informing that necessary instructions will be sent to him after the receipt of the pre-scribed notification from the Court.	91	.

Short title.	Subject.	Page.	REMARKS.
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	Letter, dated the 23rd March 1821, from the Board of Revenue to the Collector of Jessore, in reply to the Collector's letter dated the 9th March 1821 above, informing that the Board would submit to the Government his (the Collector's) proposal for dividing the estate into putnee talooks.	92	
Defence of the suit preferred by Wasiq Alea against the Government in the Calcutta Provincial Court.	Letter, dated the 6th April 1821, from the Local Agents at Hooghly to the Board of Revenue, in reply to the Board's letter dated the 2nd March 1821, suggesting the line of defence in the suit preferred by Wasiq Alea Khan, dismissed Mutwallee of the Imanbarah, against the Government in the Provincial Court of Appeal.	93	
Arrears of Wasiq Alea's pension.	Letter, dated the 16th April 1821, from the Local Agents at Hooghly to the Board of Revenue, submitting report on the petition of Wasiq Alea Khan for the arrears of his pension.	94	
Suits instituted against the Government by Wasiq Alea and one Muhammad Hossain in the Provincial and Zilla Courts respectively.	Letter, dated the 1st May 1821, from the Board of Revenue to the Local Agents at Hooghly, with reference to the Local Agents' letters dated the 16th April and 23rd* April 1821, on the subjects of the suits preferred against the Government by dismissed Mutwallee, Wasiq Alea Khan, and one Muhammad Hossain claiming Naib Mutwalleeship in the Provincial and Zilla Courts, respectively, transmitting Board's rubukarees* containing their sentiments with respect to the course of defence in the suits referred to.	95	* Not traceable.
Compliance of the Court of Appeal with the provisions of section 3, regulation 2 of 1814, in regard to the petition of plaintiff of Wasiq Alea Khan.	Letter, dated the 29th May 1821, from the Collector of Jessore to the Board of Revenue, informing that necessary measures have been adopted to move the Court of Appeal to comply with the provisions of section 3, regulation 2 of 1814, in regard to the petition of plaintiff of Wasiq Alea Khan.	96	
Defence of the case, Wasiq Alea Khan <i>versus</i> the Government.	Letter, dated the 1st June 1821, from the Board of Revenue to the Collector of Jessore, in reply to the above letter, forwarding a copy of the Board's rubukaree; and instructing the Collector to leave to the Local Agents, Hooghly, the defence of the case, Wasiq Alea Khan <i>versus</i> the Government.	97	

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	Letter, dated the 29th June 1821, from the Local Agents at Hooghly to the Board of Revenue, in reply to the Board's letter dated the 26th June 1821, informing that the Acting Mutwallee, Akbar Alee Khan, has received no orders directing him to proceed to Jessore to supervise the affairs of the estate after making necessary arrangement for the discharge of the duties at Hooghly during his absence, and requesting to be supplied with fresh orders.	...	Not printed.
	Letter, dated the 30th June 1821, from the Collector of Jessore to the Board of Revenue, in reply to their letter dated the 26th March 1821, submitting an explanation for the non-realization of the balance of Rs. 1,227 outstanding against the Trust Estate.	...	Not printed.
	Letter, dated the 6th July 1821, from the Board of Revenue to the Collector of Jessore, in reply to the above letter, directing to investigate the real cause of non-realization of the balance referred to above.	...	Not printed.
	Letter, dated the 6th July 1821, from the Board of Revenue to the Governor-General in Council, forwarding a copy of the Jessore Collector's letter dated the 30th June 1821, representing the inconvenience sustained by the landed proprietors and the ryots of the district of Jessore, owing to the discontinuance of the summary legal interference provided for the realization of the arrears of revenue.	...	Not printed.
	Letter, dated the 19th September 1821, from the Local Agents at Hooghly to the Board of Revenue, submitting their report on the petition of Baqir Alee Khan, one of the deposed Mutwallees, for the arrears of his monthly allowance which was fixed to be Rs. 100 per mensem, and suggesting in the report not to pay the arrears of Baqir Alee's monthly allowance.	...	Not printed.
	Letter, dated the 25th September 1821, from the Board of Revenue to the Local Agents at Hooghly, approving their (the Local Agents') suggestion in respect of the arrears of Baqir Alee's monthly allowance.	...	Not printed.

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	Letter, dated the 24th January 1822, from the Local Agents at Hooghly to the Board of Revenue, explaining the delay in nominating a person to fill the office of the Sheristadar at the Imambarah.	...	Not printed.
	Letter, dated the 4th February 1822, from the Local Agents at Hooghly to the Board of Revenue, forwarding an urzee received from Mutwallee Akbar Alee Khan in which he has nominated Ramput Lall for the post of Sheristadar at the Imambarah to succeed Sree Narayan Das, and suggesting a pension of Rs. 10 per mensem to be granted to Sree Narayan.	...	Not printed.
	Letter, dated the 12th February 1822, from the Board of Revenue to the Local Agents at Hooghly, approving the appointment of Ramput Lall as Sheristadar at the Hooghly Imambarah, and disapproving the Local Agents' proposal for the grant of pension to Sree Narayan Das.	...	Not printed.
	Letter, dated the 24th May 1822, from the Local Agents at Hooghly to the Board of Revenue, sending the information asked for regarding the means of subsistence, and landed property of Hussain Alee, son-in-law of Shakir Alee Khan, one of the joint Mutwallees of the Imambarah; and requesting to consider the question of allowance to be given to him (Hussain Alee) for his support.	...	Not printed.
	Letter, dated the 9th April 1824, from the Local Agents at Hooghly to the Board of Revenue, submitting a statement showing the annual and monthly expenses proposed by the Mutwallee on account of the Mad-rassa, Hospital, and Musafirkhana at Hooghly, and asking for sanction to these expenses.	...	Not printed.
	Letter, No. 1310, dated the 7th May 1824, from the Board of Revenue to the Local Agents, Hooghly, according sanction to the above proposal.	...	Not printed.
	Letter, dated the 4th October 1825, from the District Judge of Hooghly to the Board of Revenue, forwarding a copy of the plaint* filed in the Judge's Court in the case, Wasiq Alee Khan, dismissed Mutwallee, <i>versus</i> the Government, respecting the possession of the Imambarah at Hooghly.	...	Not printed. *Not traceable

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Misappropriation of the funds of the endowment by Akbar Aleo Khan, and security asked for from him.	Letter, No. 1029, dated the 2nd March 1829, from the Sudder Board of Revenue to the Commissioner of Revenue, Burdwan Division, directing to have an investigation made regarding the alleged misappropriation of the funds of the endowment by Akbar Aleo Khan, and to call upon the latter to give a security to the extent of Rs. 10,000 to make good any demands that may be established against him, or in failure thereof to place some one else in charge of the endowment until a final decision is passed on the points after investigation.	98	
Rules for the administration of the Trust Fund framed by the Board for the guidance of the Mutwallee.	Minute of the 3rd Member of the Sudder Board of Revenue, dated the 23rd March 1829, passing his views on the alleged misappropriation and abuse of the funds of the endowment by Mutwallee Akbar Aleo Khan, and framing a set of rules to be observed in future in regard to the accounts rendered by the Mutwallee.	99	
Security furnished by Messrs. Mackintosh & Co. in favour of Akbar Aleo for the proper management of the Trust Fund in future.	Letter, No. 45, dated the 25th March 1829, from the Commissioner of Revenue, Burdwan Division, to the Sudder Board of Revenue, in reply to the Board's letter No. 1029, dated the 2nd March 1829, inquiring whether the security to the amount of Rs. 10,000 given by Messrs. Mackintosh & Co. in favour of Syed Akbar Aleo Khan may be accepted.	102	
	Letter, No. 1530, dated the 31st March 1829, from the Sudder Board of Revenue to the Commissioner of Revenue, Burdwan Division, forwarding a copy of their resolution dated the 23rd March 1829, together with the original papers and accounts referred to therein, relative to the management of the "Syedpur endowment, and ordering that the Board will no longer require any security from the Mutwallee, Syed Akbar Aleo Khan.	103	
Regular remittance of the surplus proceeds of the Syedpur estate by the Collector of Jessore to meet the current expenses of the Imambarah.	Letter, No. 1529, dated the 31st March 1829, from the Sudder Board of Revenue to the Commissioner of Revenue, Alipore, requesting to instruct the Collector of Jessore to adopt arrangements in concert with the Collector of Hooghly for the regular remittance of the surplus proceeds of the Syedpur estate to meet the current expenses of the Imambarah.	104	

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	Letter, dated the 26th August 1829, from the Local Agents at Hooghly to the Commissioner of Revenue, Burdwan Division, submitting a detailed list of pensioners and officers of the establishment at Hooghly.	105	
Future disposal of the lapsed $\frac{1}{4}$ th share of the net proceeds of the Syedpur Estate.	Letter, No. 702, dated the 22nd September 1829, from the Commissioner of Revenue, Burdwan Division, to the Sudder Board of Revenue, forwarding copies of a letter, dated the 26th August 1829, from the Local Agents, and of two petitions* from the Mutwallee, Akbar Alee Khan; soliciting instructions in regard to the future disposal of the $\frac{1}{4}$ th share of the net proceeds of the Syedpur estate, which was formerly allowed to be enjoyed by the Second Mutwallee at Jessore, whose post was abolished since the sale of the lands in putnee talooks, and which was ordered by the Board, in their resolution dated the 23rd March 1829, to be appropriated in liquidation of loans or outstanding balances; and suggesting the reduction of the allowance of the present Mutwallee, Akbar Alee, who in addition to his own share claims this $\frac{1}{4}$ th.	107	Not traceable.*
	Letter, No. 4513, dated the 3rd November 1829 from the Sudder Board of Revenue to the Commissioner of the Burdwan Division, in reply to the above letter informing that the allowance of the present Mutwallee, Syed Akbar Alee Khan, was fixed at $\frac{1}{4}$ th share of the net proceeds of the estate under the Board's resolution dated the 23rd March 1829, and that the resumed $\frac{1}{4}$ th share of the annual net proceeds of the estate, on account of the abolition of the post of the second Mutwallee at Jessore should be appropriated in liquidation of loans or outstanding balances.	109	
Advance of money from the Imambarah funds for the repairs of the Imambarah buildings.	Letter, No. 686, dated the 18th May 1830, from the Governor-General in Council to the Sudder Board of Revenue, in reply to Board's letter* dated the 27th April 1830, refusing to sanction an advance from the Imambarah funds for the repairs of the Imambarah on account of the reason that if the decision of the appeal pending in His Majesty's Council regarding the sale of the whole estate at an aggregate sum of Rs. 5,84,973 by the Collector in putnee talooks be proved unfavourable to the purchasers, the whole amount of purchase money will have to be repaid to them.	111	Not traceable.*

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Dismissal of the suit pending in His Majesty's Council regarding the sale of the estate of Syedpur, by the Collector of Jessore, in putni talooks.	Letter, No. 128, dated the 8th June 1830, from the Sudder Board of Revenue to the Governor-General in Council, in reply to the above letter, informing that the suit regarding the sale of the whole estate of Syedpur, by the Collector, in putnee talooks has been dismissed by His Majesty's Council, and asking for money for the reconstruction of the Imambarah from the funds belonging to it.	112	
	Letter, No. 901, dated the 6th July 1830, from the Governor-General in Council to the Sudder Board of Revenue, asking to be furnished with a statement of the receipts and disbursements of the funds, and also a statement of the amount which now stands to the credit of the endowment, to be calculated from the month of August 1821, when, it is understood, the talooks were sold by public auction at the Collector's office.	113	
	Letter, No. 111, dated the 20th July 1830, from the Sudder Board of Revenue to the Commissioner, Alipore, asking for a statement of receipts and disbursements of the estate as desired by Government.	115	
	Letter, No. 28, dated the 20th July 1830, from the Sudder Board of Revenue to the Commissioner of the Burdwan Division, asking for an estimate of repairing the Hooghly Imambarah.	116	
	Letter, No. 132, dated the 20th July 1830, from the Sudder Board of Revenue to the Local Agents at Hooghly, asking for a memorandum of the funds in their hands belonging to the endowment at Hooghly.	117	
	Letter, dated the 26th March, 1831, from the Local Agents at Hooghly to the Commissioner of the Burdwan Division, submitting copy of a wazeebul-urz of the Mutwallee, together with an estimate of repairs of buildings appertaining to the Imambarah.	...	Not printed.
	Letter, No. 2260, dated the 6th May 1831, from the Commissioner of the Burdwan Division to the Sudder Board of Revenue, forwarding two estimates of repairs of the Imambarah buildings, and a copy of the wazeebul-urz of the Mutwallee.	...	Not printed.

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	Letter, No. 506, dated the 29th May 1832, from the Collector of Hooghly to the Commissioner of the Burdwan Division, forwarding decision of the Provincial Appellate Court in the case, Wasiq Alea <i>versus</i> the Government.	118.	
	Letter, dated the 27th August 1832, from the Local Agents at Hooghly to the Commissioner of the Burdwan Division, submitting a draft of the reply to the appeal filed in the Provincial Court by Wasiq Alea Khan.	...	Not printed.
Appeal preferred by Wasiq Alea Khan, dismissed Mutwallee of the Imambarah, in the Sudder Dewany Adawlut against the Government.	Letter, No. 970, dated the 10th November 1832, from the Commissioner, Burdwan Division, to the Sudder Board of Revenue, informing that an appeal* has been preferred in the Sudder Dewany Adawlut by Wasiq Alea Khan for the recovery of his situation of Mutwalleeship, and that the suit was originally instituted in the Dewany Adawlut of Zilla Hooghly, and dismissed by the Judge, whose decision was upheld by the Calcutta Court of Appeal.	119	*Vide judgment of the Sudder Dewany Adawlut, dated the 22nd September 1836, at page 223.
Appeal preferred by Akbar Alea Khan to the Sudder Dewany Adawlut against the decision of the Provincial Court in favour of Torab Alea in the case, Torab Alea <i>versus</i> the Collector of Jessore.	Letter, No. 1112, dated the 10th December 1832, from the Commissioner of the Burdwan Division to the Sudder Board of Revenue, informing that the Mutwallee, Akbar Alea Khan, has preferred an appeal to the Sudder Dewany Adawlut, against the decision of the Provincial Court of Appeal in favour of Torab Alea in the case, Torab Alea <i>versus</i> the Collector of Jessore, and that Torab Alea has again appealed the case for the recovery of Pergannah Sobnal, which was dismissed by the Calcutta Court of Appeal, to the Sudder Dewany Adawlut.	121	
Minutes of the Senior and Second Members of the Sudder Board of Revenue containing their views in regard to the reinstatement of Wasiq Alea to the office of Mutwallee.	Letter, No. 29, dated the 12th February 1833, from the Sudder Board of Revenue to the Government submitting minutes recorded by the Hon'ble Members of the Board containing their views in regard to the case, Wasiq Alea Khan, dismissed Mutwallee of the Imambarah, <i>versus</i> the Government, pending in the Sudder Dewany Adawlut.	123	

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Views of the Governor-General in Council that the appeal preferred by Wasiq Aleo Khan against the Government in the Sudder Dewany Adawlut should be defended and should not be withdrawn by reinstating Wasiq Aleo to the Mutwalleeship.	Letter, No. 313, dated the 15th March 1833, from the Government of India to the Sudder Board of Revenue, in reply to the above letter, sending the views of the Governor-General in Council that the appeal, in the Sudder Dewany Adawlut, of the case, Wasiq Aleo <i>versus</i> the Government should be defended and should not be withdrawn by reinstating Wasiq Aleo to the Mutwalleeship of the Imambarah.	130	
	Letter, No. 24, dated the 28th January 1834, from the Sudder Board of Revenue to the Government of India, suggesting the employment of Mr. Sutherland for conducting, on the part of the Government, the case, Wasiq Aleo Khan <i>versus</i> the Government pending in the Sudder Dewany Adawlut.	131	
Employment of Mr. Sutherland, by the Government, for conducting the case, Wasiq Aleo Khan <i>versus</i> the Government in the Sudder Dewany Adawlut.	Letter, No. 293, dated the 3rd March 1834, from the Government of India to the Sudder Board of Revenue, sanctioning the employment of Mr. Sutherland as an additional pleader on behalf of the Government.	133	
	Letter No. 68, dated the 2nd May 1834, from the Sudder Board of Revenue to Mr. Sutherland, informing that he has been employed as an additional Government pleader for the defence of the case, Wasiq Aleo <i>versus</i> the Government in the Sudder Dewany Adawlut.	134	
	Letter, dated the 15th July 1834, from the Officiating Judge of the 24-Per-gannahs to the Commissioner of the Alipore Division, forwarding an extract from the proceedings of his Court in the case, Syed Aleo Akbar Khan, Mutwallee of the Imambarah, <i>versus</i> Wasiq Aleo Khan; and requesting to issue necessary orders for the sale of the lands belonging to Akbar Aleo Khan in execution of a decree passed in favour of Wasiq Aleo awarding him Rs. 14,840-7.	...	Not printed.

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	Letter, No. 1480, dated the 29th July 1834, from the Commissioner of the Alipore Division to the Judge of the 24-Pergannahs, forwarding a copy of a Persian proceeding held by him relative to the decree passed by the Judge in favour of Wasiq Aleo in the case, Akbar Aleo <i>versus</i> Wasiq Aleo.	...	Not printed.
	Letter No. 1686, dated the 18th August 1834, from the Commissioner of the Alipore Division to the Collector of the 24-Pergannahs, requesting to send a statement of lands belonging to Akbar Aleo, which the Collector will recommend for sale for the recovery of the amount payable by Akbar Aleo to Wasiq Aleo under the orders of the Zilla Court of the 24-Pergannahs.	..	Not printed.
	Letter No. 1687, dated the 18th August 1834, from the Commissioner of the Alipore Division to the Judges of Hooghly and the 24-Pergannahs, forwarding a copy of a Persian proceeding held by him relative to the case, Akbar Aleo Khan <i>versus</i> Wasiq Aleo Khan.	...	Not printed.
Misapplication of the lapsed one-ninth share assignable to the Second Mutwalli by Akbar Aleo Khan for the purposes of 3ths and 4ths shares.	Letter, dated the 1st September 1834, from the Local Agent at Hooghly to the Commissioner of the Burdwan Division, informing that the amount in deposit on account of the 1th share assignable to the Second Mutwalli, whose post was abolished, has nearly been expended by Akbar Aleo towards the purposes of the endowment in the 3ths and 4ths shares.	135	
Unauthorised expenditure incurred by Akbar Aleo Khan in contravention of the Board's order of the 31st March 1829.	Letter, No. 2031, dated the 30th September 1834, from the Commissioner of the Alipore Division to the Sudder Board of Revenue, forwarding the correspondence* relating to the proposed sale of the property at Kidderpore appertaining to the Imambarah at Hooghly under a decree passed by the Calcutta Court of Appeal, and informing that the present Mutwalli, Akbar Aleo Khan, has incurred an unauthorized expenditure in contravention of the Board's order dated the 31st March 1829.	137	* Not traceable.

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Explanation asked for from Akbar Alee Khan of his misappropriation of a portion of the funds of the institution.	Letter, No. 639, dated the 23rd December 1834, from the Sudder Board of Revenue to the Commissioner of the Alipore Division, asking for an explanation to show cause why the decree passed by the Provincial Court of Appeal in the case, Syed Akbar Alee Khan, appellant, <i>versus</i> Wasiq Alee Khan, respondent, was not communicated to them earlier, and for an explanation from Akbar Alee Khan of his misappropriation of a portion of the funds of the institution.	139	
A full report on the case, Wasiq Alee Khan, appellant, <i>versus</i> the Government, respondent, and two other cases as prepared by Mr. Sutherland.	<p>Letter, dated the 1st January 1835, from Mr. J. C. C. Sutherland, pleader, employed by Government in connection with the case, Wasiq Alee Khan <i>versus</i> the Government, to the Sudder Board of Revenue, submitting a full report on the three cases noted below after they have been finally decided by the Sudder Dewany Adawlut :—</p> <p>(1) Wasiq Alee Khan ... Appellant, <i>versus</i> Government ... Respondent.</p> <p>(2) Turab Alee Khan ... Appellant, <i>versus</i> Curator of the Endowment at Hooghly and the Collector of Jessore ... Respondents.</p> <p>(3) Collector of Jessore and the Curator of the same ... Appellant, <i>versus</i> Turab Alee Khan ... Respondent.</p> <p>Letter, No. 89, dated the 7th January 1835, from the Government of India to the Sudder Board of Revenue, forwarding an extract from the proceedings of the Right Honourable the Governor-General of India in Council, dated the 5th January 1835, on the subject of the erection of an Arabic and Persian Madrassa and an English School defraying the expenses of the same from the Imambarah surplus funds deposited in the Treasury, and requesting to supply to the Government a statement of the present condition of the establishment and of the available funds of the Hooghly endowment.</p>	<p>141</p> <p>...</p>	<p>It is stated in this report that Salahuddin is the husband of Hajee Muhammad Mohsin's half-sister, Manoojan Khanum, and that Rajab Alee is the father-in-law of Shakir Alee and Torab Alee, the younger son of Shakir Alee.</p> <p>Not printed.</p>

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Suggestions for the amendment of Regulation 19 of 1810 regarding the administration of Trust Properties.	Letter, No. 5, dated the 13th January 1835, from the Sudder Board of Revenue to the Government of Bengal, with reference to the Government letter No. 313, dated the 15th March 1833, submitting copy of a letter, dated the 1st January 1835, from Mr. Sutherland, pleader, employed on the part of the Government, with his report on the case, Wasiq Alee <i>versus</i> the Government, and suggesting an amendment of Regulation 19 of 1810, so far as it concerns the administration of the Trust properties.	149	
	Letter, No. 9, dated the 14th January 1835, from the Commissioner of the 18th Division, Alipore, to the Sudder Board of Revenue, in reply to the Board's letter No. 639, dated the 23rd December 1834, submitting a copy of the decree* passed by the Provincial Court of Appeal in the case, Akbar Alee Khan, appellant, <i>versus</i> Wasiq Alee Khan, respondent, and informing that the Collector of Jessore has been called on to furnish any explanation the Mutwallee may offer for misappropriating a portion of the funds of the institution.	151	Not traceable.*
	Letter, No. 50, dated the 2nd February 1835, from the Commissioner of Revenue, Alipore, to the Sudder Board of Revenue, in continuation of the above letter and with reference to the Board's letter, No. 639, dated the 23rd December 1834, submitting two letters from the Collector of Hooghly relative to the decree awarded against the property at Kidderpore by the Provincial Court of Appeal in the case, Akbar Alee Khan, appellant, <i>versus</i> Wasiq Alee Khan, respondent, and a report relative to the misappropriation of a portion of the funds of the institution at Hooghly, and the explanation of the Mutwallee.	153	
	Letter, No. 1669, dated the 3rd March 1835, from the Government Agent at Fort William to the Sudder Board of Revenue, furnishing an account current of the Syedpur Trust Estate, brought down from the 1st August 1831 to the 28th February 1835.	...	Not printed.

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	Letter, No. 70, dated the 9th March 1835, from the Sudder Board of Revenue to the Government of India, in reply to India's letter No. 89, dated the 7th January 1835, submitting copy of the above letter, with its enclosures, from the Government Agent at Fort William, furnishing an account current of the Syedpur Trust estate from the 1st August 1831 to the 28th February 1835.	...	Not printed.
	Letter, No. 113, dated the 20th April 1835, from the Sudder Board of Revenue to the Local Agent at Hooghly, asking for an explanation on certain points on the subject of the appropriation, by Akbar Alee Khan, of the cash in deposit of the lapsed $\frac{1}{4}$ th share to the contingencies of the $\frac{3}{4}$ ths and $\frac{1}{4}$ ths shares.	159	
Mutwallee's explanation for the misapplication of the cash in deposit of the lapsed $\frac{1}{4}$ th share.	Letter, dated the 30th April 1835, from the Local Agent at Hooghly to the Sudder Board of Revenue, in reply to the above letter, stating that he passed no orders on Akbar Alee's urzee* sanctioning the cash in deposit on account of the $\frac{1}{4}$ th share to be spent in $\frac{3}{4}$ ths and $\frac{1}{4}$ ths shares, and submitting an explanation of the Mutwallee.	161	*Not traceable.
	Letter, No. 129, dated the 7th May 1835, from the Sudder Board of Revenue to the Local Agent at Hooghly, requesting to submit further explanation on certain other points from the Mutwallee, Akbar Alee Khan, relating to the misappropriation of the cash in deposit of the said $\frac{1}{4}$ th share.	165	
	Letter, dated the 16th May 1835, from the Local Agent at Hooghly to the Sudder Board of Revenue, in reply to the above letter, submitting further explanation from the Mutwallee on the subject of the misappropriation of the deposit on account of the said $\frac{1}{4}$ th share.	166	
Conduct of Mutwallee Alee Akbar Khan for misappropriating the cash in deposit of the lapsed $\frac{1}{4}$ th share.	A note prepared by the Hon'ble Mr. Smith, the 2nd Member of the Board of Revenue, dated the 8th June 1835, on the conduct of Alee Akbar Khan, Mutwallee of the Hooghly endowment, for misappropriating the deposit of the lapsed $\frac{1}{4}$ th share of the net proceeds of the estate.	167	

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	Letter, No. 163, dated the 20th June 1835, from the Sudder Board of Revenue to the Collector of Hooghly, asking for a <i>jumma khurch</i> account of the Trust estate of Pergannah Syedpur and of the endowment at Hooghly for the years from 1237 to 1239 B. S.	...	Not printed.
	Letter, dated the 23rd June 1835, from the Local Agent at Hooghly to the Sudder Board of Revenue, submitting the accounts called for in the above letter.	...	Not printed.
	Letter, No. 92, dated the 7th July 1835, from the Commissioner, Sunderbans at Barasat, to the Commissioner of Revenue, Jessore Division at Alipore, submitting the result of his inquiries into the condition of the settlement, concluded by the late Collector of Jessore, Mr. Maxwell, of that portion of the Trust Estate called Khallisipur and Maheswarpassa, which together with another mahal formed one of the talooks into which the Trust estate of Syedpur was divided.	...	Not printed.
	Letter, dated the 7th July 1835, from the Local Agent at Hooghly to the Sudder Board of Revenue, forwarding the original account book of the Hooghly Imambarah for the Bengali year from 1237 to 1239 for the Board's perusal.	...	Not printed.
	Letter, No. 425, dated the 12th December 1835, from the Commissioner of 18th Division at Alipore to the Sudder Board of Revenue, in continuation of his letter No. 395, dated the 20th October 1835, submitting his additional observations on the subject of the settlement, by Mr. Maxwell, the Collector of Jessore, of the Pergannah Khalisipur-Moheswarpassa, after it was resumed from the putneedar, Munshi Muhammad Ameer, and reporting that a case, (Syed Ali Akbar Khan <i>versus</i> Hara Chunder Mitter) involving the question of the enhanced rent demandable under the settlement is pending in appeal before the Judge of Jessore. [The ryots considered the rent fixed by Mr. Maxwell to be too high, and so they objected to payment at the enhanced rate after the Pergannah came under the direct control of the Government.]	...	Not printed.

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The celebrated resolution of the Government of India of 1835, by which funds were provided for education and the Imambarah hospital out of the income of the Trust Estate.	<p>Letter, No. 11, dated the 2nd January 1836, from the Government of Bengal to the Sudder Board of Revenue, forwarding a copy of an extract, No. 108, dated the 28th October 1835, from the Government of India, who decided that the lapsed $\frac{1}{4}$th share of the net income of the estate, lapsed pensions which were granted to those whose names were inserted in a list signed and sealed by the Hajee, and the interest of the fund accumulated partly in consequence of litigation between the Mutwalliee and the Government and partly from the fines realized from the mode of management, vested in Government promissory notes, were to be applied to the purposes of education, and that the expenses for the maintenance of the hospital would remain a charge on the $\frac{3}{4}$ths share.</p> <p>Letter, No. 6, dated the 11th January 1836, from the Sudder Board of Revenue to the Officiating Commissioner of Murshidabad at Hooghly, transmitting copy of India's resolution No. 108, dated the 28th October 1835, noted above, for his guidance and for communication to the Local Agents at Hooghly, and informing that the Revenue Accountant has been instructed to prepare, for submission to the Board, a statement of funds which will be available for the purpose of formation of a Collegiate Institution at Hooghly.</p> <p>Letter, No. 2, dated the 11th January 1836, from the Sudder Board of Revenue to the Accountant, Revenue Department, transmitting for his information, copy of India's resolution of 28th October 1835, regarding the disposal of the accumulated funds towards education, and asking for a statement of precise amount of funds which will be disposable for the purpose of forming a Collegiate institution.</p>	<p>173</p> <p>177</p> <p>178</p>	<p>In the will of the Hajee there is no provision for the expenses on account of education and the maintenance of the hospital at Hooghly. The deed of endowment lays down that $\frac{3}{4}$ths of the net income should be set apart for the maintenance of the Mutwalliees, $\frac{1}{4}$ths for the observance of the religious festivities, the repairs of the Imambarah and the cemetery, and $\frac{1}{4}$ths in payment of the servants of the establishment and the pensions of those whose names have been mentioned in a separate list.</p>
Average annual net profits of the endowed estate.	Letter, No. 3026, dated the 5th February 1836, from the Accountant, Revenue Department, to the Sudder Board of Revenue, informing that a statement exhibiting the annual net profits of the Trust estate calculated on an average of three years has been forwarded to the Commissioner of Revenue, Burdwan Division.	179	

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	Letter, No. 169, dated the 9th February 1836, from the Commissioner of Revenue, 14th Division at Chinsurah, to the Sudder Board of Revenue, forwarding his observation that a careful and minute inspection of the account of the Mutwallee by European Local Agents is necessary with a view to secure better management of the endowment, strictly in accordance with the India's resolution of 1835, and also transmitting a statement of the net profits of the endowed estate calculated on an average of three years.	185	
Investment of the cash in deposit in Government promissory notes.	Letter, No. 1759, dated the 17th February 1836, from the Government Agent at Fort William to the Accountant to the Revenue Department, stating that Rs. 8,98,400 were invested in Government promissory notes	187	
	Letter, No. 93, dated the 21st March 1836, from the Sudder Board of Revenue to the Government of Bengal, recommending the proposal of the Commissioner of Murshidabad for the appointment of Dr. Wise, the Secretary to the Local Committee, Hooghly Imambarah, as a Local Agent, Hooghly.	...	Not printed.
Board's suggestion to the Government for the removal of Akbar Alee Khan from Mutwalleeship.	Letter, No. 98, dated the 21st March 1836, from the Sudder Board of Revenue to the Government of Bengal, submitting, for orders of Government, certain documents relating to the misappropriation, by Syed Akbar Alee Khan, of Rs. 23,218, the assets of the lapsed 1/4th share, and recommending the removal of Akbar Alee Khan, who is believed to have appropriated the money to his own benefit, and the framing of certain rules for the guidance of the Mutwallee in future.	189	
Investment of accumulated funds in Government securities.	Letter, No. 95, dated the 21st March 1836, from the Sudder Board of Revenue to the Government of Bengal, in reply to Government letter No. 11, dated the 2nd January 1836, submitting an account current received from the Government Agent showing a sum of Rs. 8,98,400 invested in Government securities, which yield a yearly interest amounting to Rs. 44,394 inclusive of a cash balance of Rs. 5,243-10-10, and also an abstract statement prepared by the Local Agents on an average of three years' income of the Trust Estate.	196	

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Negligence on the part of the Hooghly Local Agents to keep up a due and systematic control over the affairs of the institution at Hooghly.	Letter, No. 34, dated the 21st March 1836, from the Sudder Board of Revenue to the Officiating Commissioner of Murshidabad, forwarding the Board's observation that, owing to the neglect and inattention of the Local Agents at Hooghly to keep up a due and systematic control over the affairs of the institution, the accumulation of the lapsed, this share was misappropriated by the Mutwallee, Akbar Alee Khan, in contravention of the Board's resolution, dated the 23rd March 1829, and directing the Local Agents to strictly attend to the Board's instructions given in this letter.	197	
	Letter, No. 43, dated the 29th March 1836, from the Sudder Board of Revenue to the Commissioner of Murshidabad, requesting to instruct the Local Agents at Hooghly to institute an inquiry into the Wasilut of Turuf Basandia during the period from Wasiq Alee's possession of a portion of the same to the date when he was dispossessed of it by the decision of the Sudder Dewany Adawlut, and to forward the result of the inquiry to the Board with his sentiments thereon.	...	Not printed.
	Letter, No. 512, dated the 5th April 1836, from the Government of Bengal to the Sudder Board of Revenue, in reply to the Board's letter No. 93, dated the 21st March 1836, communicating the sanction of Government to the appointment of Dr. Wise, Secretary to the Local Committee at Hooghly, as a Local Agent.	...	Not printed.
	Letter, No. 529, dated the 12th April 1836, from the Government of Bengal to the Sudder Board of Revenue, forwarding an extract from the proceedings of the Governor-General of India in Council, dated the 30th March 1836, containing instructions to the Government Agents to hold the interest of the accumulated fund of the endowment at the disposal of the Committee for appropriation in the manner ordered by Government in its resolution dated the 28th October 1835, and requesting to furnish the Committee of Public Instruction with the periodical reports of the proceeds of the zamindaree in Jessore.	199	

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	Letter, No. 69, dated the 16th April 1836, from the Sudder Board of Revenue to the Officiating Commissioner of Murshidabad, with reference to his letter No. 169, dated the 9th February 1836, to the Board, transmitting copy of Government order No. 512, dated the 5th April 1836, sanctioning the appointment of Dr. Wise as a Local Agent at Hooghly; and approving of the Commissioner's proposal that the investigation into the receipts and expenses of the endowment in the manner as suggested by him in his letter No. 100, dated the 27th January 1836 to the Local Agents, should be immediately commenced.	...	Not printed.
	Letter, No. 149, dated the 18th April 1836, from the Sudder Board of Revenue to the Government of Bengal, with reference to letter No. 169, dated the 9th February 1836, from the Commissioner of Murshidabad, requesting to accord sanction to Dr. Wise's salary being paid from the Treasury of the Collector of Hooghly, and Government being reimbursed out of the fund of the Trust Estate.	...	Not printed.
	Letter, No. 92, dated the 25th April 1836, from the Sudder Board of Revenue to the Local Agents at Hooghly, directing to furnish the General Committee of Public Instruction at Hooghly with periodical reports of the proceeds of the zamindari of Jessore appertaining to the Imambarah.	...	Not printed.
	Letter, No. 601, dated the 26th April 1836, from the Government of Bengal to the Sudder Board of Revenue, requesting to be furnished with a copy of the Board's orders dated the 3rd November 1829 relative to Akbar Alee's misappropriation of the accumulated fund of the lapsed 1/4th share.	201	
	Letter, No. 558, dated the 2nd May 1836, from the Commissioner of Murshidabad to the Sudder Board of Revenue, submitting copies of correspondence respecting the sale of Kantaganj, kharij-towleut property in satisfaction of an amount decreed in favour of Wasiq Alee Khan.	...	Not printed.

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	Letter, No. 132, dated the 23rd May 1836, from the Sudder Board of Revenue to the Commissioner of Jessore, requesting to move the Judge of Jessore to decide without delay the appeal pending in his Court involving the question of the enhanced rent demandable under the settlement referred to in the third paragraph of the Commissioner's letter No. 425, dated the 12th December 1835, on the grounds of the serious injury sustained by the parties.	...	Not printed.
	Letter, No. 76, dated the 30th May 1836, from the Sudder Board of Revenue to the Commissioner of Murshidabad, in reference to his letter No. 558, dated the 2nd May 1836, requesting to petition the Government Vakil of the Court to the effect that the execution of the decree against Alee Akbar Khan in the case, Wasiq Alee Khan <i>vrs.</i> Alee Akbar Khan, may be postponed for a short period to give the Local Agents opportunity to prefer their counter claims against Wasiq Alee Khan for the Wasilut of Turuf Basandia held by him during a long period under a forged <i>mokarraree istamuraree pattah</i>.	...	Not printed.
	Letter, No. 729, dated the 4th June 1836, from the Commissioner of the 14th Division, Murshidabad, to the Sudder Board of Revenue, forwarding copy of a statement exhibiting the amount of Wasilut collections of Turuf Basandia as asked for by the Board in their letter No. 43, dated the 29th March 1836.	...	Not printed.
	Letter, No. 200, dated the 6th June 1836, from the Sudder Board of Revenue to the Government of Bengal, in compliance with the request contained in Government order No. 601, dated the 26th April 1836, forwarding the original Persian version* of the Board's orders, dated the 3rd November 1829, defining the Mutwallee's power in regard to the disposal of the net proceeds of the estate, and again recommending the removal of Syed Akbar Alee Khan from Mutwalleeship.	203	Not traceable.*

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Dismissal of Syed Akbar Alee Khan.	Letter, No. 814, dated the 7th June 1836, from the Government of Bengal, Revenue Department, to the Sudder Board of Revenue, with reference to the Board's letter No. 149, dated the 18th April 1836, transmitting copy of an extract from the proceedings of the Government of India in the General Department, dated the 25th May 1836, on the subject of the procedure to be followed in drawing Dr. Wise's (Secretary to the Local Committee at Hooghly) salary and all other allowances of the institution about to be established at Hooghly with funds of the Syedpore Trust Estate.	...	Not printed.
	Letter, No. 81, dated the 11th June 1836, from the Sudder Board of Revenue to the Commissioner of Murshidabad, forwarding a copy of the above letter and enclosures.	...	Not printed.
	Letter, No. 889, dated the 14th June, 1836, from the Government of Bengal to the Sudder Board of Revenue, directing the immediate dismissal of Syed Alee Akbar Khan from the Mutwalleeship on account of his misappropriation of the funds of the lapsed 1/4th share, and the nomination of an individual as his successor, and also requesting to call upon Mr. Belli, the Local Agent at Hooghly, for an explanation to be submitted to Government for his connivance at the misappropriation of the funds in question. [Paragraph 11 of the Board's rules of the 23rd March 1829 provides for sufficient checks against this sort of malversation.]	205	
	Letter, No. 87, dated the 18th June 1836, from the Sudder Board of Revenue to the Commissioner of Murshidabad, remarking that the Board's orders of the 30th May 1836, regarding the postponement of the execution of the decree against Alee Akbar Khan by Wasiq Alee Khan, have not been carried into effect, and requesting to take early action to this end.	...	Not printed.

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	Letter, No. 234, dated the 20th June 1836, from the Commissioner of the 18th Division at Alipore to the Sudder Board of Revenue, in reply to the Board's letter No. 132, dated the 23rd May 1836, on the subject of pergannahs Khallispore and Moheswarpassa, reporting that the case, Syed Alee Akbar Khan <i>versus</i> Hur Chander Mitter referred to in his (Commissioner's) letter No. 425, dated the 12th December 1835, regarding the settlement of the said pergannahs by the Collector of Jessore, has been decided by the rejection of the appeal preferred by the Mutwallee to the Judge of Jessore.	...	Not printed.
	Letter, No. 143, dated the 20th June 1836, from the Sudder Board of Revenue to the Local Agents at Hooghly, directing to remove Syed Akbar Alee Khan at once, and to conduct the current duties of the Imambarah by means of the Umlahs now in the Mutwallee's office until a successor can be appointed.	208	
Appointment of Ghalib Alee son-in-law of Akbar Alee, as Mutwallee in his place as a tentative measure.	Letter, No. 26, dated the 22nd June 1836, from the Local Agents at Hooghly to the Sudder Board of Revenue, reporting that Syed Akbar Alee Khan has been dismissed in accordance with the Board's orders, and Meer Ghalib Alee, son-in-law of Akbar Alee has been appointed for the present as Mutwallee, and that they have removed all the money belonging to the ½th share from the Imambarah to the Government treasury.	209	
	Letter, No. 147, dated the 25th June 1836, from the Sudder Board of Revenue to the Local Agents at Hooghly, in reply to the above letter, directing to place a trustworthy person except Meer Ghalib Alee, the son-in-law of the late Mutwallee, Akbar Alee in charge of the Imambarah, and to see that Ghalib Alee may not interfere in the management of the affairs of the institution.	210	
Appointment of Zainuddin Hussain as Mutwallee.	Letter, No. 28, dated the 29th June 1836, from the Local Agents at Hooghly to the Sudder Board of Revenue, in reply to the above letter, informing that they have selected Syed Zainuddin Hussain, the son of Moulvi Karm Hussain Khan, for the present charge of the affairs of the Hooghly Imambarah.	211	

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	Letter, No. 155, dated the 5th July 1836, from the Sudder Board of Revenue to Mr. Belli, Local Agent at Hooghly, forwarding copy of Government order No. 889, dated the 14th June 1836, and calling upon him to submit an explanation for his connivance at the misappropriation of the lapsed 1/4th share of the net proceeds of the estate by the late Mutwallee, Akbar Alee Khan.	212	
	Letter, No. 953, dated the 22nd July 1836, from the Commissioner of Revenue, 14th Division at Hooghly, to the Sudder Board of Revenue, forwarding copy of a letter from the Local Agents, and its enclosures, on the subject of the resources and present condition of the Syedpore Estate.	...	Not printed.
	Petition of Mirza Aman Alee Khan, a resident of Lucknow, son-in-law of Sultan Fattah Hyder, son of the late Tippoo Sultan, dated the 11th August 1836, for the situation of Mutwallee of the Imambarah.	...	Not printed.
	Letter, dated the 20th August 1836, from the Sudder Board of Revenue to the Government of Bengal, submitting, for the consideration and orders of the Government, copies of notes involving a difference of opinion among the members of the Board regarding the selection of a suitable person for the office of Mutwallee in place of Syed Akbar Alee Khan removed.	213	
	Letter, No. 121, dated the 3rd September 1836, from the Sudder Board of Revenue to the Commissioner of Murshidabad, in reply to his letter No. 953, dated the 22nd July 1836, directing to look into the internal management of the estate of Syedpur.	...	Not printed.
Notes of the Hon'ble Members of the Board of Revenue in regard to the selection of a suitable person for the office of Mutwallee in place of Syed Akbar Alee Khan removed.	Letter, No. 336, dated the 9th September 1836, from the Sudder Board of Revenue to the Government of Bengal, submitting notes of both the Senior and Second Members of the Board involving a difference of opinion in regard to the selection of a suitable person for the office of Mutwallee in place of Syed Akbar Alee Khan removed.	215	

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	A copy of judgment of the Sudder Dewany Adawlut, dated the 22nd September 1836, in the case, Wasig Alee Khan, dismissed Mutwallee of the Imambarah, appellant, <i>versus</i> the Government, respondent.	223	
Proposal for the appointment of any respectable, experienced and honest Shia to the office of Mutwallee of the Imambarah, and retention of the services of Syed Zainuddin Hossain until a Mutwallee is permanently appointed.	Letter, No. 1340, dated the 27th September 1836, from the Government of Bengal to the Sudder Board of Revenue, communicating that neither Mirza Mohammed Ishpahanee, a merchant of great respectability and wealth, nor Zainuddin Hossain is eligible for the office of Mutwallee; requesting to submit the name of any respectable, experienced and honest Shia employed in the Revenue or any other department, and directing that, pending the definite appointment of a Mutwallee, Moulvi Zainuddin Hossain should remain in charge of the office.	243	
	Minute of the Hon'ble the 3rd Member of the Sudder Board of Revenue, dated the 6th December 1836, recommending Zainuddin Hossain to be the Mutwallee of the Imambarah.	245	
	Letter, No. 512, dated the 26th December 1836, from the Sudder Board of Revenue to the Government of Bengal, recommending Syed Keramat Alee for the Mutwalleeship of the Imambarah.	249	Some enclosures are not traceable.
Appointment of Syed Keramat Alee as Mutwallee of the Imambarah.	Letter, No. 12, dated the 3rd January 1837, from the Government of Bengal to the Sudder Board of Revenue, in reply to the above letter, sanctioning the nomination of Syed Keramat Alee as Mutwallee of the Imambarah.	251	
	Letter, No. 17, dated the 9th January 1837, from the Sudder Board of Revenue to Syed Keramat Alee, Sudder Ameen, Ajmere, directing him to join the situation of Mutwallee of the Imambarah, and to report his arrival at Hooghly to the local authorities without delay.	251	
	Letter, No. 16, dated the 9th January 1837, from the Sudder Board of Revenue to the Superintendent, Ajmere, forwarding copy of the above letter for his information.	252	

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	<p>Letter, No. 18, dated the 9th January 1837, from the Sudder Board of Revenue to the Local Agents at Hooghly, forwarding copies of the correspondence regarding the appointment of Syed Keramat Alee as Mutwallee of the Imambarah.</p>	252	
	<p>Letter, No. 192, dated the 4th February 1837, from the Commissioner of the 14th Division at Calcutta to the Sudder Board of Revenue, requesting to sanction an advance of Rs. 500 to the Acting Mutwallee, for which he applies, the amount being held subject to future adjustment from the Mutwallee's $\frac{1}{4}$th share of the net proceeds of the Trust Estate.</p>	...	Not printed.
	<p>Letter, No. 25, dated the 13th February 1837, from the Sudder Board of Revenue to the Commissioner of Murshidabad, in reply to the above letter, sanctioning the advance of Rs. 500 to the Acting Mutwallee who is fully entitled to the $\frac{1}{4}$th share of the net proceeds of the Trust Estate.</p>	...	Not printed.
	<p>Letter, No. 38, dated the 21st March 1837, from the Sudder Board of Revenue to the Commissioner of Murshidabad, requesting to be informed whether or not a suit has been instituted in the Hooghly Judge's Court against Wasiq Alee Khan for the recovery of the Wasilut due from Turuf Basandia, and instructing to take steps in this direction and to report the Board accordingly.</p>	...	Not printed.
	<p>Letter, No. 101, dated the 16th May 1837, from the Sudder Board of Revenue to the Secretary to the Committee of Public Instruction at Hooghly, requesting to be informed if the accommodation for the college of Haji Muhammad Mohsin and its subordinate elementary departments is to be provided, for, either by purchasing Messrs. Perron's and Haldar's houses at Chinsurah, or by appropriating a portion of the Imambarah ground at Hooghly.</p>	...	Not printed.
	<p>Letter, No. 396, dated the 1st June 1837, from the Secretary to the General Committee of Public Instruction to the Sudder Board of Revenue, in reply to the above letter, informing that, on receipt of the report of deputation sent by them (the General Committee of Public Instruction), they will decide upon the location of the College in question.</p>	...	Not printed.

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	Letter, No. 506, dated the 18th July 1837, from the Secretary to the Committee of Public Instruction at Fort William to the Sudder Board of Revenue, forwarding for information the correspondence between the Principal of the College of Muhammad Mohsin, and the Secretary to the Committee of Public Instruction on the subject of the plan to be selected for the permanent building for the College in question, and informing that the Committee approves the purchase of the houses at Chinsurah of Messrs. Perron and Prawn Kishen Haldar.	...	Not printed.
	Letter, No. 373, dated the 25th July 1837, from the Sudder Board of Revenue to the Government of Bengal, recommending to place the Imambarah building under the Divisional Executive Engineer, with instructions to beautify it, and to make provisions for the hospital and the musafirkhana, either by constructing new buildings, or by appropriating the old ones at Hooghly left vacant owing to the removal of the College to two large houses at Chinsurah.	...	Not printed.
	Letter, No. 100, dated the 26th July 1837, from the Local Agents at Hooghly to the Sudder Board of Revenue, forwarding the second quarterly return for the year 1837 of the Imambarah and the hospital expenses, and also reporting that the present hospital building is incommodious for the patients.	...	Not printed.
	Letter, No. 1215, dated the 29th July 1837, from the Commissioner of Revenue, 14th Division at Hooghly, to the Sudder Board of Revenue, proposing to institute suits for the recovery of of the kharij-towlent mahals, viz., Malouncha and Kantaganj said to have been fraudulently alienated from the endowment by one Muhammad Hussain.	...	Not printed.
	Letter, No. 1158, dated the 8th August 1837, from the Government of Bengal to the Sudder Board of Revenue, approving the Board's measure of placing the Trust estate under the immediate management of the Collector of Jessore for realising the outstanding balances.	...	Not printed.

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	Letter, No. 137, dated the 8th August 1837, from the Sudder Board of Revenue to the Commissioner of Murshidabad, in reply to the Local Agent's letter No. 100, dated the 26th July 1837, approving the Imambarah quarterly returns, and remarking that the hospital return is quite satisfactory; and informing that the Executive Engineer has been instructed to prepare the plan and estimate for beautifying the Imambarah and affording accommodation for the hospital and the school in consultation with the Commissioner and the Local Agents.	...	Not printed.
	Letter, No. 158, dated the 12th September 1837, from the Sudder Board of Revenue to the Commissioner of Murshidabad, in reply to his letter No. 1215, dated the 29th July 1837, rejecting the Commissioner's proposal for the institution of a suit for the restoration of the talook of Malouncha owing to the insufficient grounds to support their claim, and sanctioning that for the recovery of the mahal of Kantagunge, in the Sudder Dewany Adawlut.	...	Not printed.
	Letter, No. 175, dated the 19th September 1837, from the Sudder Board of Revenue to the Government of Bengal, recommending Mr. A. T. Smith to be Deputy Collector of Jessore under Regulation IX of 1833 for the superintendence of the Trust Estate of Syedpore in place of the present Superintendent who has proved himself unfit for the post.	... " "	Not printed.
	Letter, No. 1369, dated the 26th September 1837, from the Government of Bengal to the Sudder Board of Revenue, in reply to the above letter, approving the appointment of Mr. A. T. Smith as Deputy Collector of Jessore.	...	Not printed.
	Letter, No. 291, dated the 24th October 1837, from the Sudder Board of Revenue to the Commissioner of Jessore, informing that Mr. A. T. Smith has been appointed as Superintendent of the Trust estate in place of the old incumbent, and requesting to direct the Collector of Jessore to render Mr Smith every assistance he may require for the realization of the outstanding balances and the current revenue from the estate.	...	Not printed.

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	Letter, No. 583, dated the 14th December 1837, from the Commissioner of the 18th Division, at Alipore to the Sudder Board of Revenue, asking for the sanction of Government to appoint an Engineer to solely superintend the construction of the Imambarah erections at Hooghly.	...	Not printed.
	Letter, No. 60, dated 27th February 1838, from the Board of Revenue to the Commissioner of Jessore, communicating the Board's observation in regard to the kharij-towleut estates, viz., Malouncha and Kantaganj, and asking for a detailed account of them.	253	
	Letter, No. 146, dated the 27th March 1838, from the Sudder Board of Revenue to the Government of Bengal, forwarding a letter from the Commissioner of Jessore and a report from the Local Agent at Hooghly, recommending the removal of Syed Keramat Alee, the present Mutwallee, who was held guilty of inspecting the accounts of the collections of the Imambarah Estate in defiance of the Local Agent's order.	255	Most of the enclosures are not traceable.
Mutwallee's power in the management of the Imambarah.	Letter, No. 712, dated the 17th April 1838, from the Government of Bengal to the Sudder Board of Revenue, in reply to the above letter, observing that the conduct of the Mutwallee, Syed Keramat Alee, is neither blameable nor deserving of dismissal, and defining the Mutwallee's power in the management of the Imambarah.	261	
An account of the kharij-towleut estates.	Letter, No. 224, dated the 30th April 1838, from the Commissioner of Jessore to the Sudder Board of Revenue, forwarding a letter from the Local Agent at Hooghly, No. 19, dated the 24th April 1838, containing an elaborate account of the kharij-towleut estates as asked for by the Board in letter No. 60, dated the 27th February 1838.	263	
	Letter, No. 197, dated the 15th May 1838, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to the above letter, sending the Board's opinion that the kharij-towleut estates are altogether distinct from the Trust Property, and should therefore be discharged from the Imambarah accounts.	265	

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	Letter, No. 205, dated the 15th May 1838, from the Sudder Board of Revenue to the Commissioner of Jessore, forwarding copy of Government order No. 712, dated the 17th April 1838, giving instructions to make regular payment of money to the Mutwallee on account of the $\frac{3}{4}$ ths share for the Imambarah and the $\frac{1}{4}$ th for himself, and to allow him to inspect the account books.	267	
Syed Keramat Alee's refusal to allow the $\frac{3}{4}$ ths share to be charged with the expenses of the Imambarah hospital.	Letter, No. 378, dated the 25th July 1838, from the Commissioner of the 18th Division at Alipore to the Sudder Board of Revenue, forwarding copy of a letter from the Local Agents at Hooghly, complaining against the Mutwallee, Syed Keramat Alee, who did not allow any part of the $\frac{3}{4}$ ths share to be charged with the expenses of the Imambarah hospital at Hooghly.	269	
Miscellaneous expenses unconnected with the $\frac{3}{4}$ ths share to be met from the $\frac{3}{4}$ ths share, and payment in advance to the Mutwallee on account of $\frac{3}{4}$ ths and $\frac{1}{4}$ th shares.	Letter, No. 403, dated the 3rd August 1838, from the Commissioner of the 18th Division at Alipore to the Sudder Board of Revenue, in reply to Board's letter No. 205, dated the 15th May 1838, suggesting that all miscellaneous expenses not immediately connected with the purpose for which the $\frac{3}{4}$ ths share was set aside be defrayed from the $\frac{3}{4}$ ths share, and that payments on account of the $\frac{3}{4}$ ths and $\frac{1}{4}$ th shares may be made to the Mutwallee in advance without any interference on the part of the Local Agents.	271	
	Letter, No. 447, dated the 7th August 1838, from the Sudder Board of Revenue to the Government of Bengal, recommending that in the matter of alterations and repairs of the religious buildings the Mutwallee should be left exclusively to exercise his discretion.	...	Not printed.
Expenses on account of the Imambarah hospital to be charged to the $\frac{3}{4}$ ths share.	Letter, No. 404, dated the 7th August 1838, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to his letter No. 378, dated the 25th July 1838, directing to draw the attention of the Local Agents to India's resolution of the 28th October 1835, which ruled that expenses on account of the hospital should be charged to the $\frac{3}{4}$ ths share, and not to the $\frac{1}{4}$ th share.	274	

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Local Agents' duty in connection with the Imambarah confined to inspection of the accounts of the ½ths share.	Letter, No. 427, dated the 21st August 1838, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to his letter No. 403, dated the 3rd August 1838, instructing to direct the Local Agents to confine their duties in connection with the Imambarah to the inspection of the accounts of the ½ths share, and to meet the charges on account of the hospital from the ½ths and not from the ½ths share and to pay no advance to the Mutwallee.	275	
Petition of Wasiq Alee Khan to the Government of India, giving a detailed account of the case, Wasiq Alee <i>versus</i> the Government.	Letter, No. 196, dated the 5th February 1839, from the Government of Bengal to the Sudder Board of Revenue, asking for a detailed elucidation of the case, Wasiq Alee Khan, appellant, <i>versus</i> the Government, respondent, as desired by the Government of India whom Wasiq Alee memorialised to regain his situation of Mutwallee.	277	
Wrongful charge of certain items of expenditure to the ½ths and ½ths shares which should have been met from the ½ths share.	Letter, No. 190, dated the 10th June 1839, from the Commissioner of Jessore to the Sudder Board of Revenue, reporting that the ½ths share was wrongfully charged with several items of expenditure which should have been met by the funds of the ½ths share and the kharij-towlent estate; that the Collector of Jessore occasioned a considerable loss to ½ths and ½ths shares by deducting the expense of establishment for the management of the estate from the surplus proceeds which he should have wholly remitted to the Local Agents at Hooghly, first, and then received back from them the establishment charges out of the ½ths share; and that the Imambarah buildings were in a perfectly disgraceful state.	295	
	Letter, No. 774, dated the 11th June 1839, from the Government of Bengal to the Sudder Board of Revenue, requesting to send up the information asked for in Government letter No. 196, dated the 5th February 1839, regarding the case of Wasiq Alee Khan.	...	Not printed.
	Letter, No. 168, dated the 2nd July 1839, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to his letter No. 190, dated the 10th June 1839, asking to explain in details what items of expenditure burdened the ½ths share, which should have been charged to the ½ths share.	298	

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<i>Précis</i> of all correspondence and records connected with the removal of Wasiq Alee Khan from Mutwalleeship, and minutes of the Hon'ble Members of the Board regarding the defence of the case, Wasiq Alee Khan <i>versus</i> the Government in the Sudder Dewanny Adawlut by the Government.	Letter, No. 10, dated the 9th July 1839, from the Commissioner of Jessore to the Sudder Board of Revenue, in reply to the above letter, saying that in appropriating the money for the expenses of the management of the endowment, $\frac{3}{4}$ ths and $\frac{1}{4}$ ths shares have been wrongfully charged.	299	
	Letter, No. 188, dated the 17th July 1839, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to the above letter, asking for further information showing under what circumstances certain expenses were charged erroneously to $\frac{3}{4}$ ths and $\frac{1}{4}$ ths shares.	300	
	Letter, No. 354, dated the 17th July 1839, from the Sudder Board of Revenue to the Government of Bengal, in reply to Government order No. 196, dated the 5th February 1839, submitting an abstract of all the correspondence and records connected with the removal of the Mutwallee, Wasiq Alee Khan, and the appointment of Alee Akbar Khan in his place; and also an abstract of the correspondence of 1832-33, and minutes of the Hon'ble Members of the Board regarding the defence of the case, Wasiq Alee Khan <i>versus</i> the Government in the Sudder Dewany Adawlut by the Government.	301	The original documents referred to in this letter are not traceable.
	Letter No. 652, dated the 24th December 1839, from the Sudder Board of Revenue to the Government of Bengal, submitting a report on the petition presented to His Honour the Deputy Governor of Bengal by one Shaikh Sukhawat Alee and others relative to the alleged misconduct of the Mutwallee, Syed Keramat Alee.	309	
	Letter, No. 2, dated the 2nd January 1840, from the Commissioner of the 18th Division at Alipore to the Sudder Board of Revenue, informing that he will direct the Local Agents at Hooghly to remit to the Committee of Public Instruction the surplus from the deposit of the lapsed $\frac{1}{4}$ th share, which the Local Agents may have at their disposal after meeting the expenses of the decree obtained by Wasiq Alee Khan against the estate of the late Hajee.	...	Not printed.

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Charges brought against Syed Keramat Alee.	Letter, No. 108, dated the 16th January 1840, from the Government of Bengal to the Sudder Board of Revenue, in reply to Board's letter No. 652, dated the 24th December 1839, asking them to state clearly what exact charges were made against the Mutwallee.	311	
	Letter, No. 6, dated the 22nd January 1840, from the Sudder Board of Revenue to the Committee of Public Instruction, informing that there is not any available surplus amount beyond what may remain on account of the deposit of the lapsed $\frac{1}{4}$ th share after paying from it the amount decreed by Wasiq Alee Khan against the estate of the late Hajee Muhammad Mohsin.	...	Not printed.
	Letter, No. 111, dated the 7th February 1840, from the General Committee of Public Instruction to the Sudder Board of Revenue, informing that the committee have not received the accumulated deposit of the lapsed $\frac{1}{4}$ th share of the Imambara Trust fund, and also a further sum arising from lapsed pensions, which are available for the purpose of education, and requesting to remit the money regularly to the committee monthly or otherwise.	...	Not printed.
	Letter, No. 88, dated the 18th February 1840, from the Sudder Board of Revenue to the Government of Bengal, in reply Government order No. 108, dated the 16th January 1840, suggesting that an investigation may be made into the conduct of Syed Keramat Alee, the Mutwallee of the Imambarah, against whom certain charges were brought by several persons in two petitions.	312	
	Letter, No. 12, dated the 19th February 1840, from the Sudder Board of Revenue to the General Committee of Public Instruction, in reply to Committee's letter No. 111, dated 7th February 1840, informing that the Board have made arrangement to the effect that the accumulated deposit of the lapsed $\frac{1}{4}$ th share may regularly be remitted to the General Committee of Public Instruction.	...	Not printed.

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	Letter, No. 48, dated the 19th February 1840, from the Sudder Board of Revenue to the Commissioner of Jessore, requesting to instruct the Collector of Hooghly to remit the 1/4th share to the General Committee of Public Instruction as soon as the proceeds of the estate are received at the Collector's Treasury and divided into shares, and to bring to the Commissioner's notice any irregularity on the part of the Collector of Jessore in the collections.	...	Not printed.
Decree obtained by Wasiq Alee Khan, the dismissed Mutwallee, against the estate of the late Hajee.	Letter, No. 206, dated the 29th April 1840, from the Sudder Board of Revenue to the Government of Bengal, forwarding for the orders of Government copy of letter No. 102, dated the 13th April 1840, from the Commissioner of Jessore, and suggesting to pay to the District Judge of Hooghly from the Hooghly Collector's Treasury the amount of Rs. 7,496-9-7, being the interest due on account of a decree obtained by Wasiq Alee Khan, the dismissed Mutwallee against the estate of the late Hajee.	313	Some years after the demise of the late Hajee Mohammad Mohsin a suit was instituted in the Civil Court by Wasiq Alee Khan for the recovery of the principal (Rs. 19,000) and its interest alleged to be due upon a bond purporting to have been executed by the Hajee, and a decree was obtained against the estate of the Hajee by Wasiq Alee.
	Letter, No. 714, dated the 12th May 1840, from the Government of Bengal to the Sudder Board of Revenue, in reply to the above letter, sanctioning the Board's proposal to authorise the Collector of Hooghly to advance the sum of Rs. 7,496-9-7 on account of the interest of the sum decreed by Wasiq Alee Khan against the estate of the late Hajee.	317	
	Letter, No. 127, dated the 27th May 1840, from the Sudder Board of Revenue to the Commissioner of Jessore, informing that the Government has authorised the Collector of Hooghly to advance the sum of Rs. 7,496-9-7 from the Government Treasury in payment of interest due on account of a decree obtained by Wasiq Alee Khan against the estate of Hajee Muhammad Mohsin.	318	

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Proposal for the re-erection of the entire Imambarah building.	Letter, No. 831, dated the 20th June 1840, from the Government of Bengal to the Sudder Board of Revenue, in reply to the Board's letter No. 88, dated the 18th February 1840, informing that the Government had an inquiry made into the alleged charges of misconduct of Syed Keramat Alee, the Mutwallee of the Imambarah, by the Commissioner of Jessore Division, and that the Government is now perfectly satisfied of the groundless nature of the charges in question.	319	
	Letter, No. 18 C. T., dated the 27th November 1840, from the Commissioner of Jessore to the Sudder Board of Revenue, transmitting copies of correspondence between him and the Local Agents at Hooghly, and recommending to the Board the Mutwallee's proposal for taking upon himself the duty of making the repairs of the Imambarah subject to final test of the work by the Superintending Engineer, for which purpose he has in his hand Rs. 34,664 accumulated from the $\frac{3}{4}$ ths share.	321	The Mutwallee's application referred to in the Local Agent's letter is not traceable.
	Letter, No. 660, dated the 26th December 1840, from the Sudder Board of Revenue to the Government of Bengal, recommending the Mutwallee's proposal in the above letter as regards the repairs to the Imambarah subject to final examination of the work by the Executive Engineer.	327	
	Letter, No. 73 dated the 12th January 1841, from the Government of Bengal to the Sudder Board of Revenue, sanctioning the above proposal, and asking for a report from the Executive Engineer after the completion of the repairs.	328	
Increase in the expenditure of the Imambarah establishment on account of Zakerans.	Letter, No. 169, dated the 12th August 1841, from the Commissioner of Jessore to the Sudder Board of Revenue, informing that there has been an increase in the expenditure of the Imambarah establishment on account of Zakerans who have hitherto been paid from the $\frac{3}{4}$ ths share but now paid from the $\frac{1}{4}$ ths share.	329	
	Letter, No. 153, dated the 25th August 1841, from the Sudder Board of Revenue to the Commissioner of Jessore, informing that the Board have no objection to the increased establishment on account of Zakerans, the funds of the $\frac{3}{4}$ ths share being amply sufficient to meet such a charge.	331	

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	Letter, No. 253, dated the 18th November 1841, from the Commissioner of the Jessore Division to the Sudder Board of Revenue, forwarding a report from Mr. Smith, Superintendent of the Syedpur Trust Estate, relative to the management of the Trust property during the years 1840-41, and statement of the balances therein referred to.	...	Not printed.
	Letter, No. 278, dated the 30th December 1841, from the Commissioner of Jessore to the Sudder Board of Revenue, submitting with his remarks copy of a letter from the Collector of Jessore, and its enclosures, and recommending that the charges of the mufassil collections of pergunnahs Khallispore and Maheswarpasa from the years 1239 to 1243 B. S., viz., Rs. 7,959-4-9, which is an irrecoverable amount, may be written-off.	...	Not printed.
	Letter, No. 53, dated the 1st March 1842, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to the above letters, sanctioning the writing-off of the amount.	...	Not printed.
Sentiments of the Hon'ble the Court of Directors on the claim of Wasiq Alee Khan to be restored to the Mutwalleeship of the Imambarah.	Letter, No. 187, dated the 6th February 1843, from the Government of Bengal to the Sudder Board of Revenue, transmitting an original letter from the Government of India, with the extract proceedings referred to therein, containing the sentiments of the Hon'ble Court of Directors on the claim of Wasiq Alee Khan to be restored to the Mutwalleeship of the Imambarah, and requesting to furnish the information required by the Supreme Government as to the present state and distribution of the funds of the endowment of the late Hajee.	333	Wasiq Alee's memorial to the Court of Directors is not traceable.
	Letter, No. 211, dated the 18th June 1843, from the Sudder Board of Revenue to the Government of Bengal, transmitting a letter, No. 9, dated the 11th May 1843, from the Local Agents at Hooghly, containing the information relative to the present state and distribution of the funds of the endowment as asked for in the above letter.	337	Persian enclosures are not traceable.

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	Letter, No. 18, dated the 14th January 1846, from the Officiating Collector of Jessore to the Sudder Board of Revenue, submitting for the Board's orders certain papers which the Commissioner of Jessore has declined to forward, relative to the charge of embezzlement preferred by the Mutwallee of the Imambarah against Mr. Smith, Superintendent of the Trust estate.	...	Not printed.
	Letter, No. 30, dated the 5th February 1846, from the Sudder Board of Revenue to the Commissioner of Jessore, in reply to the above letter, remarking that the charges brought by the Mutwallee of the Imambarah against Mr. A. T. Smith, Superintendent of the Trust estate, are altogether false and groundless, and should have been communicated to the Board by the Commissioner, and directing that the Mutwallee may be reprimanded through the Local Agents for bringing such charges.	...	Not printed.
	Letter, No. 65, dated the 4th March 1846, from the Commissioner of the Jessore Division to the Sudder Board of Revenue, with reference to the above letter, informing that he has reprimanded the Mutwallee, and submitting his explanation for the non-submission of Mr. Smith's refutation of the charges preferred by the Mutwallee against him.	...	Not printed.
	Letter, No. 404, dated the 3rd September 1846, from the Commissioner of the Jessore Division to the Sudder Board of Revenue, proposing to place at the disposal of the Mutwallee the accumulations of the $\frac{1}{4}$ th share of the endowment for appropriation in repairing the buildings of the Imambarah and for necessary increase of the servants of the establishment.	339	The Persian Rubukaree of the Mutwallee is not traceable.
	Letter, No. 466, dated the 7th October 1846, from the Commissioner of the Jessore Division to the Sudder Board of Revenue, in reply to Board's letter No. 340,* dated the 23rd September 1846, suggesting that in future all accumulations of the Trust fund in the Collector's treasury should be discontinued; and that whenever these accumulations amount in any share to more than Rs. 5,000, reserving this sum for current expenses, surplus of each year in each share ought to be at once placed at interest in Government securities to the credit of the share to which it appertains.	343	Some enclosures are not traceable. Not traceable.*

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	Letter, No. 435, dated the 28th November 1846, from the Sudder Board of Revenue to the Commissioner of the Jessore Division, in reply to the above letter, approving the proposal referred to therein in the matter of accumulated surplus of the Imambarah fund.	345	
	Letter, No. 397, dated the 1st October 1847, from the Commissioner of Jessore Division to the Sudder Board of Revenue, submitting for Board's orders copies of letters from the Local Agents of Hooghly relative to the appointment, by the Mutwallee, Syed Keramat Alee, of one Moulvi Meer Mohammed at a monthly salary of Rs. 100 for the performance of certain duties of the Imambarah.	347	
	Letter, No. 342, dated the 26th October 1847, from the Sudder Board of Revenue to the Commissioner of the Jessore Division, in reply to the above letter, communicating that the Mutwallee is competent to appoint Meer Muhammad at a monthly salary of Rs. 100, and that the Board consider the Mutwallee's conduct in regard to Meer Muhammad's appointment disrespectful to the Local Agents, and they request that this may be pointed out to him with an admonition.	352	
Application of Syed Keramat Alee for pension.	Letter, No. 204, dated the 22nd November 1858, from the Commissioner of the Burdwan Division to the Board of Revenue, forwarding with his recommendation an application from Syed Keramat Alee, Mutwallee of the Imambarah, for a pension, and a copy of the Local Agent's letter recommending the grant to him of a pension equal to one-third of his salary (viz., Rs. 700) per mensem.	353	
	Letter, No. 307, dated the 1st December 1858, from the Board of Revenue to the Commissioner of the Burdwan Division, in reply to the above letter, requesting to report whether the grant of the pension solicited by the Mutwallee is compatible with the provisions of the Deed of Trust.	355	

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	Letter, No. 230, dated the 10th December 1858, from the Commissioner of the Burdwan Division to the Board of Revenue, in reply to the above letter, submitting an old translation of the Deed of Trust founding the Hooghly Imambarah, and recommending the grant of a pension to Syed Keramat Alea.	356	
	Letter, No. 329, dated the 17th December 1858, from the Board of Revenue to the Commissioner of Burdwan, in reply to the above letter, communicating the Board's views that the grant of pension to a Mutwallee would be contrary to the Deed of Trust, and that they are, therefore, unable to recommend it to Government.	357	
	Extract, paragraph 10 of the letter No. 333, dated the 19th January 1863, from the Government of Bengal to the Sudder Board of Revenue, asking for a report on the general condition of the Syedpur Trust estate.	...	Not printed.
	Letter, No. 28, dated the 20th February 1863, from the Sudder Board of Revenue to the Commissioner of Nuddea, asking for a report showing why the funds made over last year from the Trust Estate to the Imambarah were insufficient and less than usual; for a report showing the results of the institution and withdrawal of the resumption suits; and also for a statement showing the number of suits decided for and against the Trust Estate and the number withdrawn.	...	Not printed.
	Letter, No. 35, dated the 20th February 1863, from the Board of Revenue to the Commissioner of the Burdwan Division, requesting to dispose of the Hooghly Local Agents' reference made to him concerning the re-erection of the Moorley Imambarah in Jessore from savings effected from the funds allotted for the support of the Hooghly Imambarah.	...	Not printed.
	Letter, No. 440 B., dated the 21st February 1863, from the Commissioner of the Burdwan Division to the Board of Revenue, forwarding in original a petition* from the Mutwallee of the Hooghly Imambarah soliciting permission to expend Rs. 8,047-3-3½ for re-erecting the Imambarah at Moorley in Jessore, and recommending to sanction the expenditure out of the savings of the ¼ths share.	359	* Not traceable.

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Re-construction of the Moorley Imambarah.	Letter, No. 470, dated the 19th March 1863, from the Commissioner of the Burdwan Division to the Board of Revenue, submitting copy of letter No. 3, dated the 16th March 1863, from the Local Agents of Hooghly, relative to the complaint of the Mutwallee on account of an insufficient amount remitted to him (the Mutwallee) for the expenses of the Imambarah, and asking for a copy of the Mutwallee's complaint to the Board.	...	Not printed.
	Letter, No. 47, dated the 19th March 1863, from the Board of Revenue to the Commissioner of the Burdwan Division, in reply to his letter No. 440 B., dated the 21st February 1863, sanctioning the expenditure of Rs. 8,047-3-3½ for the reconstruction of the Imambarah at Moorley out of the savings effected from the amount allotted for the expenses of the Hooghly Imambarah.	361	
	Letter, No. 74, dated the 16th April 1863, from the Board of Revenue to the Commissioner of the Burdwan Division, with reference to his letter No. 470, dated the 19th March 1863, informing that no formal written complaint was made by the Mutwallee to the Board relating to the insufficiency of the funds for the Imambarah, but, in the course of conversation with one of the members of the Board, the Mutwallee mentioned that the remittances from the Syedpur Trust Estate were this year less than usual and insufficient; and also calling for a report on the subject, with a comparative statement showing the amount of remittances made in each of the years 1860-61, 1861-62 and 1862-63 for the Imambarah.	...	Not printed.
	Letter, No. 692, dated the 28th April 1863, from the Commissioner of the Nuldea Division to the Board of Revenue, submitting copies of two letters from the Collector of Jessore, giving, in full details, the information called for by the Board in their letter No. 28, dated the 20th February 1863, relative to the Trust Estate.	...	Not printed.

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	Letter, No. 9, dated the 5th May 1863, from the Commissioner of the Burdwan Division to the Secretary to the Board of Revenue submitting a comparative statement showing the amount of remittances made in each of the years 1860-61, 1861-62 and 1862-63 from the Trust Estate for the Imambarah.	...	Not printed.
	Letter, No. 84, dated the 6th May 1863, from the Board of Revenue to the Commissioner of the Nuddea Division, requesting to send up the names of eight or ten Muhammadan gentlemen qualified to act as trustees for Muhammad Mohsin's endowment under section 7 of Act XX of 1863.	361	
	Letter No. 16, dated the 8th May 1863, from the Commissioner of the Nuddea Division to the Board of Revenue, in reply to the above letter, informing that he has no acquaintance with any Muhammadan gentlemen qualified to act as Trustees for the endowment.	362	
	Letter, No. 95, dated the 13th May 1863, from the Board of Revenue to the Commissioner of the Burdwan Division, requesting to send up the names of eight or ten Muhammadan gentlemen qualified to act as Trustees for Muhammad Mohsin's endowment under section 7 of Act XX of 1863.	363	
	Letter, No. 62, dated the 30th May 1863, from the Commissioner of the Burdwan Division to the Board of Revenue, in reply to the above letter, submitting the names of five Muhammadan gentlemen to act as Trustees under section 7 of Act XX of 1863.	364	
	Letter, dated the 6th June 1863, from the Commissioner of the Burdwan Division to the Board of Revenue, in continuation of the above letter, submitting a list of the names of some Muhammadan gentlemen qualified to act as Trustees of the endowment of the late Hajee Muhammad Mohsin.	365	

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	Letter, No. 166, dated the 9th June 1863, from the Board of Revenue to the Government of Bengal, with reference to paragraph 10 of Government order No. 333, dated the 19th January 1863, submitting a report regarding the general condition and management of the Trust Estate, with an explanation showing how the remittance for the Imambarah during the year 1861-62 was insufficient and less than usual.	...	Not printed.
	Letter, No. 2517, dated the 18th June 1863, from the Government of Bengal to the Board of Revenue, in reply to the above letter, informing that the explanation given on the various points connected with the management of the Trust is considered by the Lieutenant-Governor to be satisfactory, and asking for a report on the result of certain resumption suits.	...	Not printed.
	Letter, No. 169, dated the 24th June 1863, from the Board of Revenue to (1) Captain W. N. Lees, (2) Maulvi Abdul Lutceef Khan Bahadur and (3) Munshi Amir Ali, forwarding a list of Muhammadan gentlemen selected by the Commissioner of the Burdwan Division as qualified to hold the appointments of Trustees to the Imambarah, and asking for their opinion about these gentlemen.	367	
Proposal for the transfer of the religious portion of the Trust Estate to a Committee of Management to be formed under Act XX of 1863.	Letter No. 194, dated the 29th June 1863, from the Board of Revenue to the Government of Bengal, informing that the Board will submit the names of some gentlemen who will serve on the Committee to be appointed to give effect to the provisions of Act XX of 1863 (an Act to divest Government of the management of all religious endowments), and suggesting to set apart the 1/4th share of the profits of the estate which goes to the support of the Hooghly College before making over the Trust to the Committee.	369	
	Letter, dated the 6th July 1863, from Munshi Ameer Ali to the Board of Revenue, in reply to Board's letter No. 169, dated the 24th June 1863, informing that as the endower of the Imambarah estate was a Shia, selection of persons as Trustees should also be made from the Shia community, and suggesting the appointment of a few well-selected persons to the Trust.	371	

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	Letter, dated the 31st July 1863, from Maulvi Abdul Luteef, Khan Bahadur, to the Board of Revenue, in reply to Board's letter No. 169, dated the 24th June 1863, passing his opinion on the qualifications of the Muhammadan gentlemen recommended by the Commissioner of the Burdwan Division as qualified to act as Trustees to the Imambarah endowment, and suggesting a few names whom he thinks to be fully qualified for the Trust.	373	
	Letter, dated the 5th August 1863, from Captain W. N. Lees, L.L.D., Visitor and Director, Hooghly Madrassa, to the Board of Revenue in reply to Board's letter No. 169, dated the 24th June 1863, giving his opinion on the eligibility of the gentlemen named in the Board's letter referred to to act as Trustees to the Imambarah endowment.	375	
A list of Muhammadan gentlemen of the Shia sect selected by the Board to be appointed as Trustees to the Syedpur endowment.	Letter, No. 308, dated the 20th August 1863, from the Board of Revenue to the Government of Bengal, in continuation of paragraph 8 of the Board's letter No. 194, dated the 29th June 1863, submitting a list of Muhammadan gentlemen of the Shia sect to be appointed as Trustees to the Syedpur endowment.	376	
Observations of the Legal Remembrancer, Bengal, on the question of the management of the Syedpur endowment under Act XX of 1863.	Letter, No. 1816, dated the 19th September 1863, from the Superintendent and Remembrancer of Legal Affairs, Bengal, to the Government of Bengal, submitting his observations in detail on the question brought forward in Board's letter No. 194, dated the 29th June 1863, as to how the endowment known as the Syedpur Trust estate should be dealt with under the provisions of Act XX of 1863.	377	From this letter it appears that the gross income of the estate at the time it came under Government management was Rs. 1,65,000 and the Government revenue was Rs. 96,000.
	Letter, No. 2034, dated the 15th October 1863, from the Superintendent and Remembrancer of Legal Affairs, Bengal, to the Government of Bengal, in continuation of the above letter submitting his further observations on the question of the management of the Syedpur endowment under the provisions of Act XX of 1863.	383	

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<p>Orders of the Government of Bengal regarding the disposal of the Syedpur endowment under the provisions of Act XX of 1863.</p> <p>Hajee Syed Hussain Shoostree and Hakim Kasim Alee were asked by the Board to act as Trustees to the endowment.</p>	Letter, No. 4036, dated the 30th October 1863, from the Government of Bengal to the Board of Revenue, in reply to Board's letters No. 194, dated the 29th June 1863, and No. 308, dated the 20th August 1863, communicating Government orders relative to the disposal of the Syedpur Trust under the provisions of Act XX of 1863.	387	
	Memorandum, No. 4037, dated the 30th October 1863, from the Government of Bengal to the Legal Remembrancer, Bengal, forwarding copy of above letter.	391	
	Letter, No. 1 A., dated the 3rd January 1870, from the Board of Revenue to Maulvi Abdul Latif, Khan Bahadur with reference to his letter dated the 31st July 1863, informing that, on his recommendation, Hajee Syed Hussain Shoostree and Hakim Kasim Alee were asked by the Board to act as Trustees to the Syedpur estate under Act XX of 1863, but no reply was received from them, and accordingly asking for the addresses of these two gentlemen.	392	
	Letter, dated the 26th January 1870, from Maulvi Abdul Latif, Khan Bahadur, to the Board of Revenue, in reply to the above letter, informing that Hajee Syed Hussain Shoostree is dead, and that Hakim Kasim Alee is in the employ of the Maharajah of Burdwan.	393	
	Letter, No. 20A., dated the 9th February 1870, from the Board of Revenue to Hakim Kasim Alee, enquiring whether he is willing to serve on the Trust Estate as a Trustee.	394	
	A translation of a letter dated the 25th February 1870 from Hakim Kasim Alee to the Board of Revenue, asking for further particulars regarding the Syedpur Trust, on receipt of which he will inform the Board as to whether he will act as a Trustee to the estate.	395	
	Letter, No. 32A., dated the 7th March 1870, from the Board of Revenue to Maulvi Kasim Alee, forwarding a memo. containing the information asked for in the above letter.	396	

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Hakim Kasim Alee's desire to act as one of the Trustees to the endowment.	Letter, dated the 12th April 1870, from Hakim Kasim Alee to the Board of Revenue, informing that he is willing to act as one of the Trustees.	397	
	Letter, No. 66A., dated the 20th April 1870, from the Board of Revenue to Maulvi Abdul Latif, Khan Bahadur, informing that out of six gentlemen nominated by the Board on his recommendation to act as Trustees to the estate, the services of only two are available, and requesting to suggest the name of a gentleman of the Shia sect to be the third member of the committee appointed under Act XX of 1863.	398	
	Letter, No. 94, dated the 3rd May 1870, from the Commissioner of the Burdwan Division to the Board of Revenue, submitting a report relating to the repairs of the Hooghly Imambarah.	399	
Repairs to the Imambarah at a cost of Rs. 10,000 met from the savings of the 3 ^{ths} share.	Letter, No. 64A., dated the 12th May 1870, from the Board of Revenue to the Commissioner of the Burdwan Division, in reply to the above letter, approving the action of the Mutwalliee and the Local Agents in carrying out the repairs of the Imambarah at a cost of Rs. 10,000 met from the savings of the 3 ^{ths} share.	401	
Delay of 7 years in making over the religious portion of the Trust to a Committee of Management owing to the difficulty of procuring suitable candidates for the charge.	Letter, No. 95A., dated the 29th July 1870, from the Board of Revenue to the Commissioner of the Burdwan Division, informing that there has been much delay (7 years since the Government order was passed) in making over the Trust estate attached to the Imambarah to a Committee of Management owing to the difficulty of procuring suitable candidates for the charge, and requesting to secure the services of at least three gentlemen of known character and position.	402	
	Letter, No. 761A., dated the 11th November 1870, from the Officiating Commissioner of the Burdwan Division to the Board of Revenue, submitting copy of a letter from the Local Agents, and its enclosures, on the subject of electing a committee of five gentlemen as Trustees to the estate.	403	Board's letter No. 1787A., dated the 25th November 1869, forming an enclosure to this letter is not traceable.

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Appointment of the members of the Committee of Management for the Syedpur Trust.	Letter, No. 69A., dated the 20th January 1871, from the Board of Revenue to the Collector of the 24-Pergannahs, with reference to the above letter requesting to be furnished with the addresses of the persons therein nominated as members of the Syedpur Trust Committee.	406	The Collector of the 24-Pergannahs acted temporarily as Commissioner of the Burdwan Division referred to in the above letter No. 761A., dated 11th November 1870.
	Letter, No. 580 G., dated the 31st January 1871, from the Collector of the 24-Pergannahs to the Board of Revenue, in reply to the above letter, giving the addresses of the gentlemen referred to therein.	407	
	Letter, No. 142A., dated the 7th July 1871, from the Board of Revenue to the Government of Bengal, with reference to Government order No. 1117, dated the 21st March 1865, asking for the sanction of Government to the appointment of (1) Munshi Ameer Alee, (2) Mirza Kasim Alee and (3) Agha Abbas Teharini as members of the committee of the Syedpur Trust.	408	*Not traceable.
	Letter, No. 2725, dated the 21st July 1871, from the Government of Bengal to the Board of Revenue, in reply to the above letter, sanctioning the appointment of the three gentlemen mentioned therein.	409	
	Bengal Government notification, dated the 29th July 1871, publishing the names of the three gentlemen noted above as members of the committee for the management of the Syedpur endowment.	410	
	Resolution of the Government of Bengal, General Department (Education), dated the 29th July 1873, affording increased educational facilities to Mahomedans in Bengal with the help of the secular portion of the Mohsin Endowment Fund.	755	
	Letter, No. 23, dated the 7th April 1874, from the Commissioner of the Burdwan Division to the Board of Revenue, asking for sanction to the appointment of Maulvi Mirza Wahid Alee as a member of the Committee of Management for the Imambarah vice Mirza Kasim Alee, deceased.	411	

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	Letter, No. 199A., dated the 22nd April 1874, from the Board of Revenue to the Commissioner of the Burdwan Division, pointing out the true nature of the committee appointed under Act XX of 1863, which is not clearly understood by him.	412	
	Letter, No. 94, dated the 29th April 1874, from the Commissioner of the Burdwan Division to the Board of Revenue in reply to the above letter, submitting the proposal made by the Local Agents of Hooghly for the appointment of a third member of the committee for the Trust, and reporting that the Local Agents did not make over to the Committee the charge of the Imambarah property.	413	
	Letter, No. 231 A., dated the 11th June 1874, from the Board of Revenue to the Government of Bengal, submitting copy of a letter, No. 225, dated the 2nd June 1874, from the Commissioner of the Burdwan Division, with enclosures, on the subject of the appointment of a successor to the deceased Mirza Kasim Alea, late member of the committee for the management of the Imambarah, and recommending the Commissioner's proposal that the Mutwallees should not be allowed to make new nomination in place of those who were appointed under Government order No. 2725, dated the 21st July 1871.	415	
	Letter, No. 1505, dated the 6th July 1874, from the Government of Bengal to the Board of Revenue, in reply to the above letter, expressing dissatisfaction at the delay which has occurred in carrying into effect the Government order No. 2725, dated 21st July 1871 (viz., appointment under Act XX of 1863, of three members to serve on the committee with full powers of the Board and the Local Agents), and desiring to increase the number of the members.	419	
	Letter, No. 324A., dated the 24th August 1874, from the Board of Revenue to the Government of Bengal, in reply to the above letter, recommending to make an application to the Civil Court at Hooghly, praying that Mirza Wahid Alea be appointed to the vacancy in the Committee of Trustees for the Imambarah, and that the duties of the Trust be transferred to the committee.	421	

Short title.	Subject.	Page.	REMARKS.
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Application of Syed Zainuddin Hossain for Mutwalleeship.	Letter, No. 2164, dated the 13th October 1874, from the Government of Bengal to the Board of Revenue, in reply to the above letter, approving the Board's proposal referred to therein and requesting to submit a report on the subject of a pension to be granted to Syed Keramat Alee who has submitted an application, dated the 18th September 1874, for the same, and also asking as to whether he is entitled to appoint his successor, and, if not, what arrangement should be made in his place.	424	.
	Application of Syed Zainuddin Hossain, Deputy Magistrate and Deputy Collector, dated the 14th December 1874, to the Board of Revenue, for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee.	425	.
	Letter, No. 238, dated the 30th January 1875, from the Government of Bengal to the Board of Revenue, in continuation of the above letter, enquiring the result of the application made to the Hooghly Civil Court for the appointment of Mirza Wahid Alee as a member of the Syedpur Trust Committee.	426	.
Application of Agha Muhammad Takee Sherazee for the Mutwalleeship of the Imambarah.	Letter, No. 261, dated the 2nd February 1875, from the Government of Bengal to the Board of Revenue, in continuation of the above letter, calling for the Board's opinion regarding the amount of pension which should be granted to the present Mutwallee, Syed Keramat Alee.	427	.
	Application made by Agha Muhammad Takee Sherazee, dated the 8th February 1875, to the Board of Revenue, for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee.	428	.
	Letter, No. 64A., dated the 8th March 1875, from the Board of Revenue to the Government of Bengal, in reply to Government order No. 2164, dated the 13th October 1874, forwarding correspondence on the subject of the grant of a pension to Syed Keramat Alee, who served under Government as Mutwallee for 37 years.	429	.

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Applications of Syed Zainuddin Hussain and Agha Muhammad Takee Shirazee for the Mutwalleeship.	Letter, No. 136A., dated the 13th March 1875, from the Board of Revenue to the Government of Bengal, forwarding the applications of Syed Zainuddin Hussain and Agha Muhammad Takee Shirazee for the Mutwalleeship of the Imambarah in the place of Syed Keramat Alee.	441	
Grant of a pension to Syed Keramat Alee.	Letter, No. 701, dated the 18th March 1875, from the Government of Bengal to the Board of Revenue, in reply to Board's letter No. 64A., dated the 8th March 1875, sanctioning the grant to Syed Keramat Alee of a pension of Rs. 3,775 per annum equal to moiety of his average salary for the last ten years, and informing that in recognition of the Mutwallee's political services a recommendation will be made to the Government of India for the grant of an additional pension so as to bring up the amount of his pension to Rs. 5,000 annually, and that full weight should be given to any recommendation which the Mutwallee may make in regard to the appointment of his successor.	442	
Proposal for the grant of an additional pension to Syed Keramat Alee.	Letter, No. 703, dated the 18th March 1875, from the Government of Bengal to the Government of India, recommending the grant to Syed Keramat Alee of an additional pension in consideration of his political services prior to his appointment as Mutwallee of the Imambarah.	443	
	Letter, No. 712, dated the 19th March 1875, from the Government of Bengal to the Board of Revenue, returning the applications of Sayid Zainuddin Hussain and Agha Mohammad Takee for the post of Mutwallee of the Imambarah, and saying that their cases will be considered when the question of the grant of a pension to Syed Keramat Alee and of the appointment of his successor will be taken up.	444	
Petition of the Moghul Shia community of Calcutta regarding the appointment of a successor to Syed Keramat Alee.	Endorsement, No. 749, dated the 24th March 1875, from the Government of Bengal to the Board of Revenue, forwarding a petition from the Moghul Shia community of Calcutta regarding the appointment of a successor to Syed Keramat Alee.	445	

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Application of Agha Abbas Teharani for the Mutwalleeship of the Imambarah.	Memorandum, No. 798, dated the 31st March 1875, from the Government of Bengal to the Board of Revenue, forwarding an application of Agha Abbas Teharanees for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee.	446	
Rejection of the application made to the District Judge of Hooghly relating to the appointment of Wahid Alee as a member of the committee in place of Kasim Alee, deceased.	Letter, No. 209A., dated the 8th April 1875, from the Board of Revenue to the Government of Bengal, in reply to Government order No. 238, dated the 30th January 1875, forwarding copy of a letter from the Commissioner of the Burdwan Division, intimating that the District Judge of Hooghly has rejected the application made by the Government in regard to the appointment of Wahid Alee as a member of the Committee of Management for the Imambarah in place of Kasim Alee, deceased.	447	
	Letter, No. 12T., dated the 14th April 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, returning with his report the petition of the Moghul Shia community of Calcutta, and its English translation relating to the appointment of a successor to Syed Keramat Alee.	451	Board's letter No. 139A., dated the 29th April 1875, is not traceable.
	Letter, No. 979, dated the 20th April 1875, from the Government of Bengal to the Board of Revenue, in reply to Board's letter No. 209 A., dated 8th April 1875, requesting to submit the names of five gentlemen fully qualified to be members of the Committee of Management for the Imambarah.	454	
Qualifications and antecedents of each of the candidates for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee.	Letter, No. 89, dated the 6th May 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, forwarding for information copy of a letter from the Local Agents at Hooghly, containing their criticisms on the qualifications and antecedents of each of the candidates for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee.	455	Board's letters No. 127, dated the 22nd March 1875, and No. 187, dated the 20th April 1875, referred to in this letter, are not traceable.

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Syed Keramat Alee's present of his library to the Imambarah.	Letter, No. 88, dated the 13th May 1875, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting copy of a letter, No. 36, dated the 23rd April 1875, from the Local Agents at Hooghly, and a letter* in original from the Mutwallee addressed to the Government of India, with four copies of the catalogue† of the books of which he has made a gift to the Imambarah, and recommending that the offer of the Mutwallee may be accepted and acknowledged by Government.	459	*Not traceable. †Not traceable.
	Letter, No. 135, dated the 28th May 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, submitting copy of a letter from the Local Agents at Hooghly, reporting that Agha Abbas Teharancee desires to stand as a candidate for the appointment of Mutwallee of the Imambarah in preference to his nomination as a member of the Committee of Management for that institution.	461	
Application of Agha Meer Nawab for the Mutwalleeship of the Imambarah.	Memorandum, No. 1325, dated the 31st May 1875, from the Government of Bengal to the Board of Revenue, forwarding for disposal an application from Agha Meer Nawab for the post of Mutwallee of the Imambarah.	463	
	Letter, No. 1326, dated the 31st May 1875, from the Government of Bengal to the Government of India, submitting for orders letter No. 88, dated the 13th May 1875, from the Commissioner of the Burdwan Division, recommending that Syed Keramat Alee's present of his library to the Imambarah be duly acknowledged.	465	
	Memorandum, No. 1327, dated the 31st May 1875, from the Government of Bengal to the Board of Revenue, forwarding copy of the correspondence relating to the present of Syed Keramat Alee's library to the Imambarah.	466	
	Letter, No. 349 A., dated the 5th June 1875, from the Board of Revenue to the Government of Bengal, submitting a report on the applications for the Mutwalleeship of the Imambarah in place of Syed Keramat Alee, and recommending Syed Ashrafuddin Ahmed for the situation.	467	

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Appointment of Syed Ashrafuddin Ahmed as Mutwallee of the Imambarah.	Letter, No. 1302 T., dated the 25th June 1875, from the Government of Bengal to the Board of Revenue, appointing Syed Ashrafuddin Ahmed as Mutwallee in succession to Syed Keramat Alee.	471	
	Letter, No. 1076, dated the 29th June 1875, from the Government of India to the Government of Bengal, in reply to Bengal Government letter No. 1326, dated the 31st May 1875, accepting Syed Keramat Alee's present of his library to the Imambarah, and suggesting that if there be any strong feeling against the removal of the old library to the Hooghly College, the books may be restored to the Imambarah, and brought under the same arrangement as may be made for the preservation of the new library.	472	
	Memorandum, No. 309 A., dated the 1st July 1875, from the Board of Revenue to the Commissioner of the Burdwan Division, forwarding copy of Government order No. 1302 T., dated the 25th June 1875, for information, and requesting to arrange for the charge of the Imambarah being made over to the newly appointed Mutwallee, Syed Ashrafuddin Ahmed.	473	
	Memorandum, No. 408 A., dated the 1st July 1875, from the Board of the Revenue to the Government of Bengal, forwarding with their recommendation copy of a letter from the Commissioner of the Burdwan Division, submitting the names of the five Mubam-madan gentlemen of the Shia sect, who have expressed their willingness to form a committee for the management of that portion of the proceeds of the Syedpur Trust, which is appropriated to religious purposes.	474	
	Letter, No. 1699, dated the 9th July 1875, from the Government of Bengal to Syed Keramat Alee, Mutwallee of the Imambarah, informing that his offer to present his library to the Imambarah has been accepted, and conveying an expression of both the Viceroy's and Lieutenant-Governor's thanks, and cordial appreciation of his valuable gift.	475	
	Letter, No. 1700, dated the 9th July 1875, from the Government of Bengal to the Board of Revenue, calling for a report as to the state of local feeling on the subject of the removal of the old library of the Imambarah to the Hooghly College.	476	

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Appointment of a committee consisting of five members for the management of the Imambarah.	Notification by the Government of Bengal, dated the 20th July 1875, appointing a committee for the management of the religious portion of the Trust Estate.	477	
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	Letter, No. 1822, dated the 23rd July 1875, from the Government of Bengal to the Board of Revenue, informing that the five gentlemen named within have been appointed to act as a committee in the district of Hooghly for the management of that portion of the proceeds of the estate which is appropriated to religious uses.	478	
	Memorandum, No. 447 A., dated the 26th July 1875, from the Board of Revenue to the Government of Bengal, submitting Syed Keramat Ali's application to the Local Agent, Hooghly, for an increased pension.	480	
	Letter, No. 292, dated the 29th July 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, reporting that Syed Keramat Alee made over charge of the Hooghly Imambarah to Maulvi Syed Ashraf-uddin Ahmed, the new Mutwallee, on the 20th instant.	481	
	Letter, No. 1970, dated the 9th August 1875, from the Government of Bengal to the Government of India, requesting that an early order may be passed for the grant to Syed Keramat Alee of an additional pension from the general revenues in consideration of his political services.	482	
	Letter, No. 1971, dated the 9th August 1875, from the Government of Bengal to the Board of Revenue, requesting to report when the Local Agents at Hooghly made over charge of the Imambarah to the committee appointed by Government.	483	
	Letter, No. 480F., dated the 30th August 1875, from the Government of India to the Government of Bengal, in reply to Bengal Government letter No. 1970, dated the 9th August 1875, informing that the question has been submitted for the consideration of the Secretary of State.	484	

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Death of Syed Keramat Alee.	Memorandum, No. 455, dated the 26th October 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, forwarding copy of a letter from the Local Agent of Hooghly reporting the death of Syed Keramat Alee.	485	
	Letter, No. 479A., dated the 5th November 1875, from the Board of Revenue to the Commissioner of Burdwan, expressing regret at the death of Syed Keramat Alee.	486	
	Letter, No. 518, dated the 26th November 1875, from the Commissioner of Burdwan to the Board of Revenue, submitting a report regarding the duties to be made over by the Local Agents of Hooghly to the committee appointed by Government in respect of that portion of the proceeds of the Trust Estate which is appropriated to religious uses.	487	
	Letter, No. 530A., dated the 7th December 1875, from the Board of Revenue to the Commissioner of Burdwan, requesting to furnish any information regarding the Kharij towelet estates.	491	
Grant of additional pension to Syed Keramat Alee for his political services rendered to the State.	Memorandum, No. 627F., dated the 11th December 1875, from the Government of India to the Government of Bengal, forwarding copy of a letter from the Secretary of State, sanctioning an additional pension of Rs. 1,225 to Syed Keramat Alee.	492	
	Letter, No. 571, dated the 11th December 1875, from the Commissioner of the Burdwan Division to the Board of Revenue, in reply to Board's letter No. 530A., dated the 7th December 1875, forwarding copies of correspondence containing information about the Kharij towelet property.	493	
	Memorandum, No. 2969, dated the 18th. December 1875, from the Government of Bengal to the Board of Revenue, forwarding copy of letter, No. 627F., dated the 11th December 1875, from the Government of India, for information.	503	

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	Letter No. 746A., dated the 22nd December 1875, from the Board of Revenue to the Government of Bengal, with reference to Government orders No. 1822, dated the 23rd July 1875, and No. 1971, dated the 9th August 1875, submitting a report on the subject of the management, by the committee appointed under Act XX of 1863, of that portion of the proceeds of the Trust Estate which is appropriated to religious uses, and an extract from old correspondence from 1815 to 1838 regarding Kharij towlent estates.	505	
	Letter, No. 219, dated the 26th January 1876, from the Government of Bengal to the Board of Revenue, Bengal, stating, in reply to the above letter, that the orders of 1863, appointing the Committee of Management, should be now carried into effect, that a sum of Rs. 750 per month should be granted for the expenses of the religious establishments from the 3rds share of the estate income, that the Kharij towlent lands should be considered as vested in the religious manager of the Imambarah, and that the proceeds of the ferry should be counted as belonging to the Syedpur estate and not to the Kharij towlent lands.	515	
	Memorandum No. 49A., dated the 5th February 1876, from the Board of Revenue to the Commissioner of the Burdwan Division, with reference to his letter No. 571, dated the 11th December 1875, forwarding copy of the above letter with connected correspondence for guidance, and directing to report the transfer of the charge of the Imambarah to the Committee of Management.	517	
	Letter, No. 694, dated the 12th February 1876, from the Commissioner of the Burdwan Division to the Board of Revenue, requesting to be furnished with two spare copies of the printed correspondence regarding the management of the religious portion of the proceeds of the Trust estate.	...	Not printed.
	Letter, No. 60 A., dated the 16th February 1876, from the Board of Revenue to the Commissioner of the Burdwan Division, in compliance with the above letter forwarding printed copies of the correspondence on the subject referred to above.	...	Not printed.

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	Letter, No. 14, dated the 6th April 1876, from the Commissioner of the Burdwan Division to the Board of Revenue, forwarding copy of a letter from the Local Agents of Hooghly, reporting that the committee appointed under Act XX of 1863 for the management of the religious portion of the Syedpur Estate have not yet entered on their functions formally.		Not printed.
Transfer of the charge of the Imambarah to the committee appointed under Act XX of 1863.	Letter, No. 129, dated the 23rd May 1876 from the Commissioner of Burdwan to the Board of Revenue, reporting on the transfer of the charge of the Imambarah to the committee appointed under Act XX of 1863.	519	
	Letter, No. 320 A., dated the 14th August 1876, from the Board of Revenue to the Commissioner of the Burdwan Division, requesting submission of further report promised by the Local Agents at Hooghly on the subject of the transfer of the charge of the Imambarah to the committee appointed under Act XX of 1863.		Not printed.
	Letter, No. 262 T., dated the 11th September 1876, from the Commissioner of the Burdwan Division to the Board of Revenue, in reply to the above letter, explaining the inability of the Local Agent at Hooghly to submit further report as promised by him on the subject reported to therein.		Not printed.
	Letter, No. 414, dated the 8th November 1876, from the Board of Revenue to the Commissioner of the Burdwan Division, requesting submission of further reports regarding the Trust Estate.		Not printed.
Separation of the religious portion of the fund from the secular, and to draw the same from the funds deposited in the Hooghly treasury.	Memorandum, No. 656 A., dated the 20th November 1876, from the Board of Revenue to the Government of Bengal, with reference to Government order No. 219, dated the 26th January 1876, forwarding copy of a letter from the Commissioner of the Burdwan Division, requesting Government to authorise the Committee of Management of the Imambarah to separate the religious portion of the fund from the secular, and to draw the same from the funds deposited in the Hooghly treasury.	525	

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Transfer of certain Kharij towleut properties to the committee for the management of the Imambarah.	Letter, No. 3104, dated the 28th November 1876, from the Government of Bengal to the Board of Revenue, sanctioning the proposal referred to in the above letter.	526	
	Memorandum, No. 668 A., dated the 31st July 1877, from the Board of Revenue to the Government of Bengal, with reference to Government order No. 219, dated the 26th January 1876, asking for sanction to the transfer of certain Kharij towleut properties to the committee for the management of the Imambarah.	527	
	Letter, No. 2158, dated the 9th August 1877, from the Government of Bengal to the Board of Revenue, in reply to the above letter, sanctioning the proposal referred to therein.	532	
	Letter, No. 271 A., dated the 18th April 1879, from the Board of Revenue to the Government of Bengal, reporting on the proposal made by the Accountant-General for the management of the Mohsin Endowment Fund so far as the accounts are concerned.	533	
	Letter, No. 501, dated the 23rd August 1879, from the Government of Bengal to the Board of Revenue, in reply to the above letter, conveying orders regarding the management of the fund.	537	
	Letter, No. 25, dated the 10th May 1881, from the Committee of Management of the Imambarah to the Government of Bengal, urging the necessity for the repairs of the Imambarah, and requesting to debit the cost of repairs to the surplus proceeds of the 3 rd share of the endowment.	541	
	Memorandum, No. 316 T., dated the 26th May 1881, from the Government of Bengal to the Board of Revenue, forwarding the above letter, and asking for a full report on the subject with a statement of the present condition of the Imambarah fund.	542	

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	Letter, No. 433 A., dated the 12th July 1881, from the Board of Revenue to the Government of Bengal, submitting the report called for in the above letter.	545	
	Letter, No. 868 T., dated the 30th July 1881, from the Government of Bengal to the Committee of Management of the Imambarah, in reply to their letter, No. 25, dated the 10th May 1881, informing that Government may make a grant from the surplus proceeds of the $\frac{1}{4}$ th share for the repairs of the Imambarah, if the committee cannot meet the expenditure from the amount at their disposal.	551	
	Memorandum, No. 869 T., dated the 30th July 1881, from the Government of Bengal to the Board of Revenue, forwarding copy of the above letter with reference to Board's letter No. 433 A., dated the 12th July 1881.	551	
	Memorandum, No. 870 T., dated the 30th July 1881, from the Revenue Department to the Public Works Department of this Government, asking for a detailed report from the Superintending Engineer on the condition of the Imambarah, and an estimate of the cost of repairs of the same.	552	
	Memorandum, No. 1931 B., dated the 20th September 1881, from the Public Works Department to the Revenue Department of this Government, with reference to the above memorandum submitting a report called for therein.	553	
	Letter, No. 1331 B., dated the 15th April 1882, from the Public Works Department to the Revenue Department of this Government, forwarding plans and estimate for the repairs to the Imambarah buildings.	555	
		...	Not traceable.
	Letter, No. 1346-481 L. R., dated the 23rd May 1882, from the Government of Bengal to the Board of Revenue, asking for a report showing what sum would be available from the $\frac{1}{4}$ th share for the repairs to the Imambarah.	556	
	Letter, No. 41, dated June 1882, from the Committee of Management of the Imambarah to the Government of Bengal, submitting an account of receipts and disbursements connected with the Imambarah for the last twelve years, from 1869-81.	557	

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Cost of repairs of the Imambarah buildings met from the $\frac{1}{4}$ ths share as a special case.	Letter, No. 452 A., dated the 21st July 1882, from the Board of Revenue to the Government of Bengal, submitting a statement showing the receipts, charges and balance of the $\frac{1}{4}$ ths share of the Endowment Fund for 1881-82.	575	
	Letter, No. 583 T.-R., dated the 16th October 1882, from the Government of Bengal to the Solicitor to the Government of India, asking for an expression of his opinion regarding the competency of Government to devote any portion of the surplus funds of the $\frac{1}{4}$ ths share of the endowment to the repairs of the Imambarah buildings.	577	
	Letter, No. 1212, dated the 5th December 1882, from the Solicitor to the Government of India to the Government of Bengal, in reply to the above letter, forwarding a copy of the opinion of the Advocate-General, which is to the effect that Government is competent to spend any portion of the $\frac{1}{4}$ ths to the repairs of the Imambarah buildings.	579	
	Letter, No. 79-34 L.R., dated the 10th January 1883, from the Government of Bengal to the Board of Revenue, with reference to Board's letter No. 452 A., dated the 21st July 1882, sanctioning the expenditure required for the repairs of the Imambarah from the funds of the $\frac{1}{4}$ ths share as a special case, and forwarding Lieutenant-Governor's observation in regard to the future repairs.	580	
	Memorandum, No. 80-35 L. R., dated the 10th January 1883, from the Government of Bengal to the Committee of Management of the Imambarah, forwarding copy of the above letter for information with reference to their letter No. 41, dated the June 1882.	580	
	Memorandum, No. 81-36 L. R., dated the 10th January 1883, from the Revenue Department to the Public Works Department of this Government, forwarding copy of the above letter for information with reference to that department letter No. 1331 B., dated the 15th April 1882.	580	

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Sanction to the distribution of the surplus income of the endowment to different shares after every five years.	Letter, No. 982 A., dated the 21th November 1884, from the Board of Revenue to the Government of Bengal, suggesting that the surplus income of the Syedpur endowment be distributed to the different shares after every five years.	581	
	Memorandum, No. 4, dated the 5th January 1885, from the Government of Bengal to the Board of Revenue, sanctioning the above proposal.	583	
	Letter, No. 206, dated the 17th March 1890, from the Government of Bengal to the Accountant-General, Bengal, sanctioning the distribution of the surplus balance of Rs. 28,532-7-1 at the credit of the Syedpur estate on the 31st March 1889.	584	
Bringing to the notice of Government the damage caused to the Imambarah buildings by the earthquake of the 12th June 1897, and soliciting sanction to a grant out of the 4ths share to effect the necessary repairs.	Memorandum, No. 208, dated the 17th March 1890, from the Government of Bengal to the Board of Revenue, forwarding copy of the above letter for information.	584	
	Letter, No. 158, dated the 16th June 1897, from the Committee of Management of the Imambarah to the Government of Bengal.	585	
	Letter, No. 183, dated the 26th June 1897, from the Committee of Management of the Imambarah to the Government of Bengal.	587	
	Letter, No. 191, dated the 30th June 1897, from the President of the Committee, of Management of the Imambarah to the Government of Bengal.	588	
	Letter, No. 222, dated the 2nd August 1897, from the Committee of Management of the Imambarah to the Government of Bengal.	589	
	Letter, No. 2414, dated the 14th August 1897, from the Government of Bengal to the Board of Revenue, requesting to report on certain points in connection with the repairs of the Imambarah buildings.	591	

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Estimate of cost for thorough repairs to the Imambarah buildings damaged by the earthquake of the 12th June 1897.	Letter, No. 34 W., dated the 5th April 1898, from the Board of Revenue to the Government of Bengal, with reference to the above letter, submitting a detailed estimate of cost for thorough repairs to the Imambarah buildings damaged by the earthquake of the 12th June 1897.	593	
Grant for the repairs of the Imambarah buildings out of the ½ths share.	Letter, No. 182 T.-R., dated the 11th June 1898, from the Government of Bengal to the Committee of Management of the Imambarah, with reference to the committee's letter No. 158, dated the 16th June 1897, proposing to advance from the ½ths share the sum of Rs. 37,081 required to place the Imambarah buildings in proper repair on condition of repayment of the ½ths of the total cost in five equal instalments by the committee.	601	
	Memorandum, No. 184 T.—R., dated the 11th June 1898, from the Government of Bengal to the Board of Revenue, forwarding copy of the above letter for information with reference to the Board's letter No. 54 W., dated the 5th April 1898.	603	
Proposed additional grant from the Kharij towleut fund for the upkeep of the rites and ceremonies and for the repairs of the Imambarah buildings.	Letter No. 189, dated the 19th August 1898, from the Committee of Management for the Imambarah to the Government of Bengal, in reply to Government order No. 182 T.—R., dated the 12th June 1898, praying for an additional grant from the Kharij towleut fund for the upkeep of the rites and ceremonies which are essential to the maintenance of the Imambarah and for the repairs of the Imambarah buildings.	605	
Government orders regarding the cost of repairs of the Imambarah buildings.	Letter, No. 716 T.—R., dated the 11th October 1898, from the Government of Bengal to the Committee of Management of the Imambarah, in reply to the above letter, directing to make annual provision in future for necessary repairs to the Imambarah buildings, and for the management of the institution from the ½ths share.	611	
	Letter, No. 3398, dated the 19th November 1898, from the Government of Bengal to the Board of Revenue, with reference to Government order No. 184 T.-R., dated the 11th June 1898, requesting to take steps to have the recoveries made from time to time, of the sum advanced to meet the cost of repairs to the Imambarah buildings, from the Managing Committee of the Institution.	615	

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	Memorandum, No. 3399, dated the 19th November 1898, from the Revenue Department to the Public Works Department of this Government, forwarding an estimate of cost of repairing the Imambarah buildings, and requesting to undertake the work at an early date.	616	
	Letter, No. 18 W., dated the 19th December 1898, from the Board of Revenue to the Government of Bengal with reference to Government order No. 3398, dated the 19th November 1898, asking for sanction to the expenditure of Rs. 2,956 for urgent repairs to the Imambarah buildings rendered necessary by the earthquake from the 3ths share of the fund.	• 617	
	Letter, No. 270, dated the 21st January 1899, from the Government of Bengal to the Board of Revenue, with reference to the above letter, sanctioning the expenditure for the repairs of the Imambarah, and communicating orders for the recovery of the 7ths of the amount.	618	
	Memorandum, No. 271, dated the 21st January 1899, from the Government of Bengal to the Committee of Management of the Imambarah, forwarding copy of the above letter for information.	618	
	Memorandum, No. 272, dated the 21st January 1899, from the Revenue Department to the Financial Department of this Government, forwarding a copy of the above letter for information, and for communication to the Accountant-General.	618	
	Letter, No. 11 W., dated the 9th February 1899, from the Board of Revenue to the Government of Bengal, with reference to Government order No. 270 L.R., dated the 21st January 1899, submitting a revised estimate of cost of repairing the Imambarah buildings in excess of what was sanctioned in Government order No. 3398, dated the 19th November 1898.	619	
	Letter, Nos. 903-04, dated the 9th March 1899, from the Government of Bengal, Revenue Department, to the Board of Revenue and the Financial Department of this Government, sanctioning the revised estimate of cost of repairing the Imambarah.	620	

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	Letter, No. 1217 T. A., dated the 10th March 1899, from the Accountant-General, Bengal, to the Government of Bengal, requesting that the sanction of the Government of India to the sale of a portion of the Government securities of the Mohsin Fund to enable him to advance money to the Public Works Department to carry out the repairs to the Imambarah buildings may be obtained.	621	
	Letter, No., 1371 B. dated the 11th March 1899, from the Public Works Department to the Financial Department of this Government, requesting that steps may be taken to place at their disposal the amount required for the repairs of the Imambarah buildings.	622	
	Letters, Nos. 1238-39½, dated the 22nd March 1899, from the Revenue Department to the <small>Accountant-General Public Works Department</small> of this Government, sanctioning the sale of Government securities of the Mohsin Fund.	623-24	
	Letter, No. 50 S. T., dated the 24th April 1899, from the Accountant-General, Bengal, to the Government of Bengal, intimating that the sum realised by the sale of Government promissory notes belonging to the Mohsin Endowment Fund has been placed to the credit of the Public Works Department to meet the expenditure on account of the repairs of the Imambarah buildings.	625	
	Memorandum, No. 39 W., dated the 12th May 1899, from the Board of Revenue to the Government of Bengal, forwarding a copy of their letter No. 66 W., dated the 12th May 1899, to the Commissioner, Presidency Division, about the curtailment of the expenditure of the Trust Estate.	626	
Construction of an operation room for the Imambarah hospital sanctioned from the ½ths share.	Letter, No. 41 W., dated the 18th May 1899, from the Board of Revenue to the Government of Bengal, intimating that they have sanctioned the construction of an operation room for the Imambarah hospital out of the ½ths share of the endowment.	627	

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Sanction to a revised estimate for the repairs of the Imambarah buildings.	Letter, No. 336 T.—R., dated the 3rd June 1899, from the Government of Bengal to the Accountant-General, Bengal, stating the amount he is required to place at the disposal of the Public Works Department to meet the cost of repairs to the Imambarah, and the amount for the construction of an operation room at the disposal of the Board, and the amount to be invested in Government securities on behalf of the fund.	628	
	Letter, No. 378 T.—R., dated the 7th June 1899, from the Government of Bengal to the Board of Revenue, communicating orders with regard to the curtailment of the expenditure of the Syedpur Trust estate.	629	
	Letter, No. 379 T.—R., dated the 7th June 1899, from the Government of Bengal to the Board of Revenue, intimating that the Accountant-General has been instructed to put the amount required for the construction of the operation room at the disposal of the Board of Revenue.	630	
	Letter, No. 4397 B., dated the 7th September 1899, from the Public Works Department to the Revenue Department of this Government, intimating that sanction has been accorded to a revised estimate amounting to Rs. 61,908 for the repairs of the Imambarah.	631	
	Letter, No. 3450, dated the 23rd September 1899, from the Revenue Department to the Public Works Department of this Government, in reply to the above letter, sanctioning from the 4th share the payment of a further sum of Rs. 9,374 for the completion of the repairs to the Imambarah buildings.	632	
	Letter, No. 33, dated the 20th February 1900, from the Committee of Management of the Imambarah to the Government of Bengal, informing that the annual expense of the Imambarah has been fixed at Rs. 18,800 by a scheme framed by the members of the committee.	633	
	Letter, No. 1082, dated the 7th March 1900, from the Government of Bengal to the Committee of Management of the Imambarah, requesting to be furnished with a copy of the scheme referred to above.	634	

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Origin of dispute between the Mutwallie and the members of the Committee of Management; contemplated retirement of the Hon'ble Mr. Justice Ameer Ali from the Presidentship of the Committee of Management for the Imambarah.	Letter, No. 50, dated the 17th March 1900 from the Committee of Management of the Imambarah to the Government of Bengal, submitting a copy of the scheme for the annual expense of the Imambarah framed by the members.	635	
	Letter No. 159 T.—R., dated the 1st May 1900, from the Government of Bengal to the Committee of Management of the Imambarah enquiring what provision has been made in the scheme for repairs and maintainance of the Imambarah buildings, and requesting to be furnished with an estimate showing the amount required for the annual repairs to the Imambarah.	642	
	Memorandum, No. 160 T.—R., dated the 1st May 1900, from the Revenue Department to the Public Works Department of this Government requesting that necessary instructions may be issued for an annual inspection of the Imambarah buildings by a competent Engineer.	643	
	Memorandum, No. 6 R.G., dated the 8th May 1900, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting copy of a letter from the Local Agent, Hooghly, regarding the contemplated retirement of Mr. Justice Ameer Ali from the office of President of the Imambarah Committee.	645	
	Letter, No. 539 T.—R., dated the 26th May 1900, from the Government of Bengal to the Commissioner of the Burdwan Division, requesting to submit a report on the subject of the retirement of Mr. Justice Ameer Ali from the Presidentship of the Imambarah Committee.	650	
	Letter, No. 214, dated the 16th June 1900, from the Committee of Management of the Imambarah to the Government of Bengal, submitting the information called for in Government order No. 159 T.—R., dated the 1st May 1900, on the subject of the repairs to the Imambarah buildings.	651	

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Strained relations between the Mutwallee and the members of the committee.	Memorandum. No. 17 R. G., dated the 21st June 1900, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting the report called for in Government order No. 539 T.—R., dated the 26th May 1900.	655	
	Memorandum, No. 1185 T.—R., dated the 3rd July 1900, from the Revenue Department to the Public Works Department of this Government, requesting to be furnished with a detailed estimate of the expenditure for the repairs of the Imambarah.	662	
	Letter, No. 2629, dated the 25th July 1900, from the Government of Bengal to the Commissioner of the Burdwan Division, communicating the remarks and observations of the Lieutenant-Governor on the subject of the strained relations between the Mutwallee and the members of the committee.	663	
	Memorandum, No. 3854 B., dated the 3rd September 1900, from the Public Works Department to the Revenue Department of this Government, with reference to Revenue Department memorandum, No. 1185 T.—R., dated the 3rd July 1900, submitting an estimate of cost for the quinquennial repairs to the Imambarah.	664	
	Letter, No. 1802 T.—R., dated the 21st September 1900, from the Government of Bengal to the Committee of Management for the Imambarah, with reference to the Committee's letter No. 214, dated the 16th June 1900, communicating the views and orders of the Lieutenant-Governor on the subject of repairs to be carried out in the Imambarah.	665	
	Memorandum, No. 1803 T.—R., dated the 21st September 1900, from the Government of Bengal to the Commissioner of the Burdwan Division, forwarding copy of the above letter with copy of the letter to which it is a reply.	665	
	Memorandum, No. 1804 T.—R., dated the 21st September 1900, from the Revenue Department to the Public Works Department of this Government, forwarding copy of Government order No. 1802, dated the 21st September 1900, for information, in continuation of Government order No. 160 T.—R., dated the 1st May 1900.	665	

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	Letter, No. 47 R. G., dated the 30th September 1900, from the Commissioner of the Burdwan Division to the Government of Bengal, with reference to Government order No 2629, dated the 25th July 1900, submitting his opinion on the rules of 1897 framed by the committee for the management of the Imambarah affairs, and certain suggestions made by the Mutwallee.	667	
	Memorandum, No. 2687 F., dated the 12th April 1901, by the Financial Department to the Revenue Department of this Government, forwarding copy of the budget estimate for the Mohsin Endowment Fund for the year 1901-02 for information.	675	
	Letter, No. 89, dated the 15th April 1901, from the Committee of Management for the Imambarah to the Government of Bengal, with reference to Government order No. 1802 T.—R., dated the 1st September 1900, stating that there has been no miscalculation on the part of the committee in regard to the quadrennial repairs to the Imambarah and the amount of savings during the four years.	679	
	Letter, No. 2195, dated the 30th April 1901, from the Government of Bengal to the Committee of Management for the Imambarah, approving of the next quadrennial repairs being undertaken in January 1904.	680	
	Letter, No. 9 W. T., dated the 11th October 1901, from the Board of Revenue, to the Government of Bengal, submitting report on the subject of the distribution of the surplus money standing to the credit of the Trust estate.	681	
Distribution of the surplus money of the Trust estate equally among the nine shares	Letter, No. 2118 T.—R., dated the 12th November 1901, from the Government of Bengal to the Board of Revenue, sanctioning the distribution of the surplus money of the Trust estate equally among the nine shares.	682	
Revised rules framed by the Committee for the management of the Imambarah.	Letter, No. 34, dated the 6th February 1902, from the Hon'ble Mr. Justice Ameer Ali, President of the Committee of Management, to the Government of Bengal, submitting, for the information of Government, certain revised rules for the management of the Imambarah.	683	

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Orders of the Lieutenant-Governor on the subject of relation between the Mutwallce and the Trustees.	Letter, No. 5 R.G., dated the 7th April 1902, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting for Government orders certain points in regard to the relation between the Mutwallce and the Trustees for the Imambarah.	687	
	Letter, No. 2174, dated the 8th April 1902, from the Government of Bengal to the Hon'ble Mr. Justice Ameer Ali, President of the Committee of Management of the Imambarah, in reply to his letter No. 34, dated the 6th February 1902, approving the revised rules.	692	
	Letter, No. 189 T.—R., dated the 25th April 1902, from the Government of Bengal to the Commissioner of the Burdwan Division, in reply to his letter No. 5 R. G., dated the 7th April 1902, communicating orders of the Lieutenant-Governor on the subject of relation between the Mutwallce and the Trustees of the Imambarah.	693	
	Letter, No. 28 W. T., dated the 20th September 1904, from the Board of Revenue to the Government of Bengal, asking for sanction to the distribution to several shares of the Mohsin Endowment Fund of a sum of Rs. 10,000 on account of the surplus income of the Trust estate, the amount payable to the 3ths share being credited to the 3ths share on account of the money advanced from it for the repairs of the Imambarah.	694	
	Letter No. 2896 T.—R., dated the 26th October 1904, from the Government of Bengal to the Board of Revenue, sanctioning the proposal referred to in the above letter.	695	
	Demi-official letter, dated the 27th December 1906, from Mr. G. H. Walsh, I.C.S., Commissioner of the Burdwan Division, to the Hon'ble Mr. R. W. Carlyle, Chief Secretary to the Government of Bengal, recommending Khan Bahadur Syed Ashrafuddin Ahmed's son, Syed Ali Nawab, to be Mutwallce of the Imambarah as a successor to his father.	697	

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Views of the Hon'ble Mr. R. W. Carlyle, Chief Secretary to the Government of Bengal, regarding the appointment of Syed Ali Nawab as a successor to his father, Khan Bahadur Syed Ashrafuddin Ahmed.	Demi-official, letter No. 87, dated the 22nd March 1907, from the Hon'ble Mr. R. W. Carlyle, I.C.S., Chief Secretary to the Government of Bengal, to Mr. J. H. Bernard, I.C.S., Commissioner of the Burdwan Division, in reply to the above demi-official letter, forwarding his views regarding the appointment of Khan Bahadur Syed Ashrafuddin Ahmed's son as Mutwallee of the Imambarah after his retirement.	699	
	Demi-official letter, No. 3 C., dated the 20th May 1907, from Mr. J. H. Bernard, I.C.S., Commissioner of the Burdwan Division, to the Hon'ble Mr. E. A. Gait, C.I.E., Offg. Chief Secretary to the Government of Bengal, in reply to the above letter, recommending Khan Bahadur Syed Ashrafuddin Ahmed's son to be appointed to act as his Honorary Assistant.	701	
	Demi-official letter, No. 34 T.—R., dated the 6th June 1907, from the Hon'ble Mr. E. A. Gait, C.I.E., I.C.S., Offg. Chief Secretary to the Government of Bengal, to Mr. J. H. Bernard, I.C.S., Commissioner of the Burdwan Division, saying that the Mutwallee can employ anyone to assist him, but no such arrangement will be recognized by Government.	703	
	Government order No. 114, dated the 8th January 1908, sanctioning the distribution of the surplus income, amounting to Rs. 9,115, among the nine shares of the endowment fund.	704	
	Letter, dated the 8th September 1908, from Mr. A. Ahmed, I.C.S., to the Government of Bengal, praying that his elder brother, the Mutwallee of the Imambarah (Syed Ashrafuddin Ahmed), be granted a pension, and that his nephew, Syed Ali Nawab, be appointed to succeed his father as Mutwallee.	705	
	Petition, dated the 9th November 1908, from Khan Bahadur Syed Ashrafuddin Ahmed, the Mutwallee of the Imambarah, to the Government of Bengal, praying that he be granted a full pension, and that his son be appointed to succeed him.	707	

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Appointment of Syed Ali Nawab as Mutwallee of the Imambarah as successor to his father, Khan Bahadur Syed Ashrafuddin Ahmed, and grant of a pension to the latter.	Letter, No. 4464, dated the 20th November 1908, from the Government of Bengal to the Board of Revenue, sanctioning the grant of a pension to the Mutwallee, and appointment of his son as his successor.	708	
	Memorandum, No. 4464, dated the 20th November 1908, from the Government of Bengal to the Accountant-General, Bengal, forwarding copy of the above orders.	708	
Charge of the Imambarah made over to Syed Ali Nawab.	Telegram, dated the 4th December 1908, from Syed Ashrafuddin Ahmed to the Government of Bengal, reporting that he made over the charge of his duties to his son.	708	
Objection raised by the Committee of Management to the selection of Ali Nawab as Mutwallee.	Letter, No. 2, dated the 4th January 1909, from the Committee of Management of the Imambarah to the Government of Bengal, urging that they should have been consulted at the time of selecting Syed Ali Nawab as Mutwallee of the Imambarah in place of his father.	709	
	Letter, No. 259-62, dated the 15th January 1909, from the Government of Bengal to— (1) Honorary Secretary, All India Shia Conference, Lucknow; (2) President, Anjuman Jafarya, Muzaffarnagar; (3) M. A. Z. Ali, Barrister-at-Law, Alipore; (4) President, Shia Association, Chinsura; informing in reply to their representations against the appointment of Syed Ali Nawab as Mutwallee of the Imambarah that the Lieutenant-Governor satisfied himself regarding his qualifications,	711	
	Letter, No. 308, dated the 20th January 1909, from the Government of Bengal to the Committee of Management of the Imambarah, pointing out that Government is under no legal obligation to consult the members of the Imambarah Committee or any association or individual in the matter of selecting the Mutwallee.	713	

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Memorial of the President of the Imambarah Defence Association against the appointment of Ali Nawab.	Letter, dated the 22nd January 1909, from Shams-ul-Ulama Sheikh Mahmud Gilani, President, Hooghly Imambarah Defence Association, to the Government of Bengal, submitting for transmission to the Government of India a memorial protesting against the appointment of Syed Ali Nawab as Mutwallee of the Imambarah.	715	
	Memorandum, No. 221, dated the 11th February 1909, from the Government of India to the Government of Bengal, forwarding copy of a telegram dated the 26th January 1909, from All India Shias' Conference, Lucknow, protesting against the appointment of Syed Ali Nawab as Mutwallee of the Imambarah.	725	
	Letter, No. 717, dated the 13th February 1909, from the Government of Bengal to the Commissioner of the Burdwan Division, forwarding a copy of the memorial, and requesting to ask the present Mutwallee or his father to report on the allegations made in it which personally concern them.	727	
	Letter, dated the 27th February 1909, from Shams-ul-Ulama Sheikh Mahmud Gilani, President of the Imambarah Defence Association, to the Government of Bengal, submitting the opinion of counsels Messrs. C. P. Hill and A. Rasool as to the legality of the appointment by Government of Syed Ali Nawab to be Mutwallee of the Imambarah.	729	
Opinion of Messrs. C. P. Hill and A. Rasool as to the legality of the appointment by Government of Syed Ali Nawab.	Letter, dated the 8th March 1909, from Mirza Agha Zakir Ali, Barrister-at-Law, Secretary, Shia Association, Tollyganj, to the Government of Bengal, urging that the Committee of Management appointed under Act XX of 1863 has the sole power to appoint a Mutwallee.	733	
	Letter, No. 442, dated the 19th March 1909, from the Government of India to the Government of Bengal, requesting to submit a report on the memorial submitted by Shams-ul-Ulama Sheikh Mahmud Gilani, President of the Imambarah Defence Association.	735	

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	Letter, No. 1723, dated the 29th March 1909, from the Government of Bengal to the Government of India, informing, in reply to the above letter that the memorial of the Shia Muhammadan community protesting against the appointment of Syed Ali Nawab as Mutwallee of the Hoo ghly Imambarah is under their consideration.	736	
	Letter, No. 273 T.—R., dated the 27th April 1909, from the Government of Bengal to the Commissioner of the Burdwan Division, forwarding a copy of the memorial from Shams-ul-Ulama Sheikh Mahmud Gilani, and requesting to ask the Mutwallee to submit, in consultation with his father, any remarks which he desires to make.	737	
	Letter, No. 336 T.—R., dated the 30th April 1909, from the Government of Bengal to the Government of India, reporting that a memorial from Shams-ul-Ulama Sheikh Mahmud Gilani addressed to the Government of India, protesting against the appointment of Syed Ali Nawab as Mutwallee, has been received, and that Government of India will be addressed on the subject on receipt of the opinion of the most eminent counsel in Calcutta.	738	
	Letter, No. 337 T.—R., dated the 30th April 1909, from the Government of Bengal to the Legal Remembrancer, requesting to obtain the opinion of counsel on the subject of the legality of the appointment by Government of Syed Ali Nawab as Mutwallee of the Imambarah.	739	
	Letter, No. 20 R. G., dated the 27th May 1909, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting the remarks of Syed Ali Nawab and his father on the memorial submitted by Shams-ul-Ulama Shaikh Mahmud Gilani, President of the Imambarah Defence Association.	741	
Legal opinion of Mr. B. Chakrabatty, Dr. Rash Behari Ghosh and Maulvi Seraj-ul-Islam; Vakil, High Court, regarding the authority of Government to appoint a Mutwallee.	Letter, No. 2314 L. R., dated the 20th July 1909, from the Government of Bengal to the Government of India, submitting a copy of the legal opinion on the subject of the authority of Government to appoint a Mutwallee of the Imambarah, and also informing that legally the appointment of a Mutwallee is in the hands of the Committee and not of Government.	753	

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Strained relation between the Mutwallee and the members of the Committee.	Letter, No. 1106, dated the 9th August 1909, from the Government of India to the Government of Bengal, in reply to the above letter, approving the steps proposed to be taken by the Government of Bengal regarding the appointment of Syed Ali Nawab, son of Syed Ashrafuddin Ahmed, Khan Bahadur.	770	
	Letter, No. 43 R. G.-38—LVII-1, dated the 21st August 1909, from the Commissioner of the Burdwan Division to the Government of Bengal, reporting the strained relations between the Mutwallee of the Imambarah and the Committee of Management.	771	
	Letter, No. 2861, dated the 24th August 1909, from the Government of Bengal to the Commissioner of the Burdwan Division, with reference to the Commissioner's letter No. 20 R. G., dated the 27th May 1909, requesting to inform the Mutwallee, Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, that the appointment of his son as Mutwallee by Government is not valid according to legal opinion, and to call him to submit any representation he might wish to make.	773	
	Memorandum, No. 46 R. G.-44—LVII-1, dated the 31st August 1909, from the Commissioner of the Burdwan Division to the Government of Bengal, in reply to the above letter, submitting copy of a letter from Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, requesting to be furnished with a copy of the legal opinion obtained by Government, and of the statement of facts on which it is based.	774	
	Demi-official letter, No. 110 T.—R., dated the 6th September 1909, from the Under-Secretary to the Government of Bengal to the Commissioner of the Burdwan Division, in reply to Commissioner's letter No. 43 R. G.-38—LVII-I, dated the 21st August 1909, informing that the President of the Committee of Management has been strongly impressed upon not to allow the continuance of bickering between the Members and the Mutwallee.	775	

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	Letter, No. 1775 T.—R., dated the 8th September 1909, from the Government of Bengal to the Commissioner of the Burdwan Division, with reference to the above memorandum, No. 46 R. G. 44—LVII-1, dated the 31st August 1909, forwarding for transmission to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, a copy of the legal opinion obtained by Government regarding the appointment of Syed Ali Nawab as Mutwallee of the Imambarah, together with a copy of statement of facts on which the opinion is based.	776	
	• Letter, dated the 21st September 1909, from the President, Imambarah Defence Association, to the Government of Bengal, asking that the Shias may be given an opportunity of discussing any legal point which might be raised by the Mutwallee in his explanation.	777	
	• Memorandum, No. 67 R.G., dated the 21st September 1909, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting an application from Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, praying for an extension of time for the submission of his representation.	779	
	Letter, No. 2216 T.—R., dated the 28th September 1909, from the Government of Bengal to the Commissioner of the Burdwan Division, allowing time for the submission of his representation.	781	
	Letter, No. 2317 T.—R., dated the 5th October 1909, from the Government of Bengal to the President, Imambarah Defence Association, informing, with reference to the President's letter, dated the 21st September 1909, that an extension of time has been allowed to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, up to the 26th November 1909, for the submission of his representation.	782	
	Letter, No. 1431, dated the 7th October 1909, from the Government of India to the Government of Bengal, requesting to forward any representation which Nawabzada Syed Ashrafuddin Ahmed may have made to Government, and also enquiring whether any action has been taken on the representation of the 21st September 1909 from the President of the Imambarah Defence Association.	783	

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Resolution of the Anjuman-i-Shiatus Safa, Delhi, protesting against the appointment of Syed Ali Nawab	Letter, No. 2564 T.—R., dated the 14th October 1909, from the Government of Bengal to the Government of India, reporting that an extension of time has been allowed to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, up to the 26th November 1909, for the submission of his representation.	784	
	Letter, No. 653 W.T., dated the 21st October 1909, from the Board of Revenue to the Government of Bengal, submitting proposals for raising the working balance of the Mohsin Endowment Fund from Rs. 4,000 to Rs. 10,000.	785	
	From the Secretary, Anjuman-i-Shiatus Safa, Delhi, to the Government of Bengal, forwarding a copy of the resolution, dated the ^{24th October 1909} _{10th November 1909} , protesting against the appointment of Syed Ali Nawab as Mutwallee of the Imambarah.	787	
	Letter, dated the 3rd November 1909, from the President, Imambarah Defence Association to the Government of Bengal, forwarding a copy of a resolution passed by the Association, urging the early decision of Government on the subject of the appointment of a Mutwallee.	788	
	Letter, No. 3447, dated the 16th November 1909, from the Government of Bengal to the President of the Imambarah Defence Association, in reply to the above letter, informing that an extension of time has been allowed to the Mutwallee for the submission of his representation.	789	
Opinion of several lawyers declaring the validity of the appointment of Syed Ali Nawab.	Letter, No. 3620, dated the 26th November 1909, from the Government of Bengal to the Secretary, Anjuman-i-Shiatus Safa of Delhi, in reply to the above resolution, informing that the matter is under consideration of Government.	790	
	Letter, No. 261C., dated the 29th November 1909, from the Commissioner of the Burdwan Division to the Government of Bengal, submitting a representation from Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, urging of the validity of the appointment of his son, Syed Ali Nawab, as Mutwallee of the Imambarah	791	Copy of the case on which the legal opinion was based will be found enclosed with the letter, dated the 22nd December 1909, from Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur at, page 811

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Statement of facts prepared by Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, on which the opinion of his lawyers regarding the appointment of his son was based.	Letter, No. 3855, dated the 9th December 1909, from the Government of Bengal to the Board of Revenue, sanctioning the proposal referred to in Board's letter No. 658W.T., dated the 21st October 1909.	809	
	Letter, No. 4048, dated the 20th December 1909, from the Government of Bengal to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, asking for a copy of the case on which he obtained the legal opinion.	810	
	Letter, dated the 22nd December 1909, from Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, to the Government of Bengal, in reply to the above letter, submitting a copy of the case as presented by him to his lawyers.	811	
	Letter, No. 330, dated the 27th January 1910, from the Government of Bengal to the Government of India, submitting the representation of Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, together with connected papers, and informing that this Government would cancel its order sanctioning the grant of a pension to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, and the appointment of his son, Syed Ali Nawab, to be Mutwallee.	817	
	Letter, No. 322, dated the 2nd March 1910, from the Government of India to the Government of Bengal, in reply to the above letter, approving the cancellation of the orders of 1908 relating to the grant of a pension to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, and the appointment of his son as Mutwallee of the Imambarah.	820	

Short title.	Subject.	Page.	REMARKS.
1	2	3	4
Cancellation of Government order No. 4464, dated the 20th November 1908, sanctioning the grant of a pension to Syed Ashrafuddin Ahmed and the appointment of his son, Syed Ali Nawab, as Mutwallee.	Letter, No. 1061, dated the 11th March 1910, from the Government of Bengal to the Board of Revenue, cancelling Government order No. 4464, dated the 20th November 1908, regarding the grant of a pension to Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, and the appointment of his son as Mutwallee.	821	
	Memorandum, Nos. 1062-67, dated the 11th March 1910, from the Government of Bengal to the Accountant-General, Bengal, Local Officers, President of the Hooghly Imambarah Defence Association and the President of the Committee of Management, forwarding copies of the above order.	821	

Copy of endorsement made by the Registrar, Hooghly, at the top of the
Waqf-namah of the late Haji Muhammad Mohsin.

No. 122. Registered by me at Hooghly, this 9th day of June 1806, at
the hour of 3, under Volume 122, page 80 of book containing Deeds of Leases
and other temporary transfers.

(Sd.) J. HODGES,
Registrar.

A Summary of Persian Extracts.

The following information showing the relation between Salahuddin Muhammad Khan, the original founder of the Hooghly Imambarah and Haji Muhammad Mohsin, has been obtained from "Tabaqua-i-Mohsinya," a Persian History of the Imambarah written by Nawabzada Syed Ashrafuddin Ahmed, Khan Bahadur, the present Mutwalli:—

Agha Muhammad Motahar was a Persian who came to India in the latter part of the reign of the Moghul Emperor Aurangzeb and began to carry on his trade at Hooghly, which was at that time one of the most flourishing commercial ports in India. Later on he permanently settled at Hooghly and founded there an Imambarah, which was subsequently reconstructed and maintained by Muhammad Saleh *alias* Salah Uddin Muhammad Khan. Hajee Faizullah was the nephew (sister's son) of Agha Muhammad Motahar, and came to India from Persia with his uncle. Faizullah married one of the widows of his uncle named Zainab Khanum after his death. Zainab had a daughter named Marium *alias* Mannoojan Khanum by her former husband. Mannoojan was married to Salahuddin and inherited the landed properties consisting of Pargana Syedpur, etc., in Jessore (now in Khulna) left by her husband. A son was born to Faizullah and Zainab, who came to be known as Muhammad Mohsin and had the sole right of the landed properties mentioned above left by his uterine sister, Mannoojan because she died childless. Hajee Muhammad Mohsin is, therefore, related to Salahuddin Muhammad Khan as brother-in-law.

To

THE HON'BLE N. B. EDMONSTONE, ESQ.,

Vice-President and Deputy Governor, etc., etc., in Council,
Fort William.

HON'BLE SIR,

Although the provisions of Regulation 19 of 1810 prescribe the course to be observed in ordinary cases falling within the scope of that Law, nevertheless, as there are some points in the present reference not expressly provided for, we consider it proper and necessary to submit the arrangements we propose to adopt in consequence for the sanction of your Hon'ble Board.

2. As the report of the Local Agents contains a very clear, satisfactory, and succinct statement of the origin, resources, and existing state of the Institution, we shall not trespass on the time of your Honourable Board on these points, but state the arrangements we would propose for the better management of the institution in future and the due appropriation of the funds to the purposes for which they are intended.

3. That the present Mutawalees (or trustees) are unfit persons for the charge, is, we think, sufficiently manifest; but as one was appointed by the founder of the Endowment on its present footing, and the other is the son of the late incumbent, it is not intended to interfere with their functions (however questionable the right of the latter may be to officiate in that capacity), but we would propose that a person of respectability, good education, and experience in duties of the nature alluded, be appointed as Ameen (or Inspector) for the following purposes, viz., to keep accounts of all receipts and disbursements; to form, in concert with the Mutawalees, estimates of the expenses requisite for the performance of the several ceremonies; to control the expenditure generally, including the payment of the salaries and allowances of the several establishments, officers and servants (with exception to the amount allotted for the personal expenses of the Mutawalees); to see that the buildings and edifices are kept in proper repair; and to submit accounts, etc., etc., to the Local Agents whenever they may consider it expedient to call for them.

4. We cannot help noticing in this place the observation contained in the 12th Paragraph of the report of the Local Agents "that the Mutawalees had refused to produce any accounts, or rather allege that they have none to produce." It is hardly possible to give credit to this assertion, but if it be correct, it is, in our opinion, a strong demonstration of the negligence of the present Mutawalees or of their unfitness for so important a trust. Whilst on the other hand, if there be accounts, it was incumbent on them to produce them, for as long as they are withheld, it is impossible not to infer that misapplication of the funds is practised.

5. The expense of the proposed establishment would not be considerable (probably not exceeding 200 Rs. per mensem) whilst we are not aware that it would, in any respect, interfere with, or encroach on the power

vested in the Mutawallees by the Towleeatnamah, the object of the present arrangement being to ensure a proper application of the funds, and to put a stop to the dissensions and jealousies which at present exist among so many contending parties.

6. The other point on which we have to solicit the instructions of your Honourable Board is the Estates not included in the Towleeatnamah.

These Estates, it seems, are now held by Baker Alee on the ground of a pretended verbal disposal of the property made by Hajee Mokim in his father's favour, but as the written deed on which he and his father first founded their claim to the property has been pronounced in a Court of Justice to be a forgery, this nuncupative disposal of the property does not, (as very justly observed by the Local Agents) appear entitled to much credit, and as the Hajee died without heirs, the property may be considered an escheat to Government.

8. We concur entirely in the foregoing opinion—but as we apprehend most of the Estates pay Revenue to Government and probably are of inconsiderable value, Government possibly may be disposed to waive their claim to the proprietary right and allow the present occupant to retain possession on his agreeing to an equitable Jumma on re-assessment, although he has, in fact, little claim to such mark of indulgence as he seems still to consider himself entitled to the property under the forged deed before alluded to, in which it is not improbable he had some (share). On this point, however, we solicit the instructions of your Honourable Board. In the meantime we shall instruct the several Collectors, in whose districts the Estates are situated, to furnish us with every necessary information respecting them, and shall report the result to your Honourable Board as early as possible.

We have the honour to be,

with respect,

HONOURABLE SIR,

Your most obedient, humble servant,

(Sd). R. ROCKE.

THE BOARD,
The 4th August 1815.

BENGAL,
6th September 1815.

To

THE BOARD OF REVENUE.

GENTLEMEN,

I am directed by the Honourable the Vice-President in Council to acknowledge the receipt of two letters from you dated the 4th and 22nd ultimo with their respective enclosures.

4th Ultimo.

2. Under the circumstances stated in this letter and in the report from the Local Agents at Hooghly the Vice-President in Council considers it to be essentially necessary that some arrangement should be adopted for the better management of the Institution alluded to in your letter and for ensuring a proper application of its funds to the purposes contemplated by its founder.

3. The measures suggested in the 3rd paragraph of your letter for the attainment of the objects above noticed appear to the Vice-President in Council to be generally expedient.

4. I am, however, directed to remark that the irregular and objectionable manner in which the present trustees appear to have conducted the affairs of the Institution and the jealousies and dissensions which exist among the contending parties render it in the judgment of the Vice-President in Council highly desirable and expedient that the Ameen who may be appointed to discharge the duties described in the 3rd paragraph of your letter should be vested with exclusive control in the management of the funds of the Institution, subject, of course, to the interposition of the authority of the Local Agents and of your Board.

5. It is also of essential importance that the person who may be nominated to the proposed office of Ameen should be selected with the greatest care, that his character should be irreproachable and that his acknowledged integrity and capacity should secure to him general confidence and respect more particularly amongst the higher classes of Mahomedans.

6. The Vice-President in Council apprehends that the proposed allowance of 200 rupees per mensem for the salary of the Ameen and the expense of his establishment is upon too small a scale with reference to the responsibility of the office and to the great importance of selecting for the trust, an individual possessed of the requisite qualifications, and if the funds of the Institution should prove to be as ample as is estimated by the Local Agents, the allowance proposed to be assigned to the Ameen might, it is conceived, be augmented without inconvenience.

7. The Vice-President in Council considers it to be unnecessary to issue any orders on the subject stated in the 7th paragraph of your letter.

until he shall be furnished with the requisite details, which noticed in the last paragraph of your letter, you propose to submit to Government at as early a period as may be practicable.

22nd Ultimo. .

8. The establishment which you have recommended should be granted to Mr. Smelt for conducting the measurement of the Sunderban taluks situated in the district of Jessore, appears in general to be proper and reasonable. Previously, however, to sanctioning that establishment the Vice-President in Council desires that a more detailed explanation may be furnished of the proposed monthly allowance of 500 rupees for contingent charges for bugerow and boat hire in addition to the usual deputation allowance receivable by Mr. Smelt.

9. The Vice-President in Council is aware that the duty to be performed by Mr. Smelt will render it necessary for him to remain chiefly in boats, but it is desirable that that gentleman should submit a statement of the number and description of boats which he may consider necessary and the amount of the hire to be paid for them respectively.

10. The original paper which accompanied your letter of the 4th ultimo is returned enclosed.

I have, etc.,
(Sd.) ILLEGIBLE.

To C. TOWER, Esq., AND W. FORRESTER, Esq.,
Local Agents at Hooghly.

GENTLEMEN,

I am directed by the Board of Revenue to acknowledge the receipt of a letter from you, dated the 15th July last, with enclosure relative to the affairs of the Inambarah at Hooghly and to transmit to you copy of the Board's address to Government on the subject dated the 4th August and of the orders of Government in consequence dated the 6th September.

I am also directed to acquaint you that the Board have been pleased to appoint Syed Ukbar Alee Khan to the situation of Ameen or comptroller of the funds and concerns of the Institution with a salary of 200 rupees per mensem and 100 rupees for an establishment. Copy of the sunnud given to him accompanies ; he has been directed to wait upon you, and you will be pleased to notify to the Mutwallis and officers his appointment and to vest him with charge of the situation to which he has been appointed.

The Board have addressed Government again on the subject of the estates and property not included in the Towleutnamah, and you will hereafter be apprised of the orders which may be passed thereon.

I am etc.,

The 10th November 1815.

To R. ROCKE, Esq., AND J. RICHARDSON, Esq.,

Members of the Board of Revenue.

GENTLEMEN,

I am directed to acknowledge the receipt of your letter dated the 10th instant with its enclosures.

2. The Right Honourable the Governor General in Council approves the appointment of Ukbar Alee Khan, as Ameen or Inspector of the Imambarah at Hooghly with a personal salary of 200 rupees per mensem and 100 rupees per mensem for an establishment.

3. Under the circumstances stated in the 4th and 5th paragraphs of your letter, His Lordship in Council is pleased to sanction the measure which you recommend with regard to the small estates of Mullunch and turuf Khidderpore, etc., which are to be allowed to remain with the actual occupants at the present jumma.

4. The original papers received with your letter are herewith returned.

I have, etc.,

W. B. BAYLEY,
Secretary to Government.

FORT WILLIAM,

The 24th November 1815.

To R. ROCKE, Esq.,

Acting President, and Members of the Board of Revenue,

Fort William.

GENTLEMEN,

We beg leave to submit for the consideration of the Board copy of a Dhurkhaust and the account accompanying it presented to us by Syed Ukbar Alee Khan, Ameen of the Emambarah of Salooddeen Khan.

2. As the sunnud granted by the Board of Revenue to the Ameen does not correspond with what seems to us to be the intentions of Government from the 4th paragraph of their letter to the Board of Revenue under date 6th September last and what we consider to be the views of the Board and as the Ameen himself does not consider it sufficient authority for interfering in the management of the funds for the endowment, we beg leave to suggest that a fresh sunnud be granted to him vesting him with the exclusive control in the management of the funds of the Institution subject of course to our interposition and authority.

3. Doubtful how far we are vested with any control over any of the funds of the Institution which are situated out of the district of Hooghly, we have not considered ourselves authorized to give the Ameen any instructions respecting the management of those in the district of Jessore, and as we have no means of obtaining any correct information respecting them we beg leave to recommend that any orders on the subject be transmitted to the Local Agents in that district.

4. With respect to the third proposition stated in the Ameen's Dhurkhaust we are of opinion that he should make a strict enquiry into the rights of all the claimants. that he should submit for our inspection and approbation a copy of his proceedings together with a list of those who (with reference to the assets) have a superior claim to support from the Institution.

5. There is no doubt of the very bad state of repair the whole of the buildings attached to the Institution are in, to defray the expense of repairing them the Ameen prepares, borrowing a sum of money and paying the principal and interest by degrees from the funds of the Institution and we are not aware of any objection to this arrangement provided he takes the responsibility entirely upon himself.

We have the honour to be,

GENTLEMEN,

Your most obedient servants,

(Sd.) C. TOWER,

Collector.

(Sd.) W. FORRESTER.

L. A.

HOOGHLY COLLECTOR'S OFFICE,

The 15th January 1816.

To

THE LOCAL AGENTS AT JESSORE.

ON the 10th of November last the Collector was informed of the appointment of Syed Ukbar Alee Khan as Ameen or Comptroller of the funds and concerns of the institution for the support of the Imambaree of the late Sulauddeen Mohomed Khan at Hooghly and for the other purposes of that endowment.

2. It was intended that the formation of the mofassil settlement of Pergunnah Syedpore and the other Mehals assigned for that purpose, the collection of the revenues, and the performance of the executive duties should rest with the Mutwallis, but experience has demonstrated that no proper account or appropriation of the funds can be expected under this system and that the appointment of the Ameen virtually becomes nugatory.

3. The Board have accordingly directed Ukbar Alee Khan to proceed to the head cutchery of the pergunnah for the purpose of forming the Mofassil settlement and generally to superintend the affairs of the Estate subject, of course, to your control and directions. He has also been directed to pay into the Collector's treasury monthly, the amount of the collections after deducting the necessary and established charges, and the Collector will, from time to time, remit to the Collector of Burdwan such sums as may be required for the expenses of the several establishments at Hooghly.

4. You are accordingly desired to carry the above arrangement into effect, signifying the same to the Mutwallis and the zemindaree officers and notifying to the farmers and royats that no settlement will be considered valid that is not countersigned or in some shape authenticated by the Ameen and that credit will not be given for any payments of revenue not made in the public cutchery.

5. Under the foregoing arrangement the Board have no doubt that the objects of the endowment will be fully obtained and they rely on your cordial exertions to carry it into complete effect.

6. I am further directed by the Board to acknowledge the receipt of a letter from the Collector of the 19th of January, and to say that with reference to the foregoing instructions it must be obvious that the request of the Mutwalli cannot be complied with.

FORT WILLIAM, BOARD OF REVENUE.

The 5th March 1816.

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

I have the honour of acknowledging the receipt of your letter dated the 14th instant, but received yesterday, detailing the instructions of the Board regarding the estate of the late Hajee Muhammad Mohsin.

2. The selection of Native officers for conducting the business of the pergunnah shall, of course, if still desired, be made from those, who were employed during the life of the late Hajee; though for reasons which I specified in my remarks when the List of the establishments of Moshairehdars and amlahs attached to the Estate was submitted. I thought the Board would concur in opinion with me that they had by their faithless and improper conduct forfeited all right to a continuance in their offices, and that to secure the full realization of the resources of the Estate it would for the future be expedient and necessary to nominate persons wholly independent and unconnected with it.

3. I have before reported to the Board that in consequence of all the papers, accounts, and documents relating to the Estate having been destroyed by fire, the realization of the present outstanding balance, depend entirely upon the willingness of the nominal farmers and cultivators to discharge the arrears, as yet I have found them very reluctant to pay and but of what is stated as due, though as officers of the estate it might have been expected they would, when called upon, have evinced their readiness to adjust the claims preferred against them. The whole of the amlahs are farmers, reciprocally sureties for each other and every one of them considerably in arrear which, when demanded from the security (for the servant and farmer has taken care to conceal himself) is invariably denied and refused on the known ground that no document to substantiate the claim, can be produced. The Estate is still in arrears of revenue due to Government to the amount of Rs. 12,495-3-10. I may be enabled to collect this from the sums still to be realized for the past year, but as I am by no means certain or sanguine of effecting this point, I wish to be informed in what other way those that which the Board have disapproved of as objectionable and unusual, I can secure to Government its just dues for the late Bengal year 1232.

4. By discharging those officers who have so improperly behaved themselves and nominating others previously unconnected in every respect with it, the Estate will not be subjected to any additional expense, as the former not being Moshairehdars when not employed as officers on the duties of collection can prefer no just claim to any further remuneration and a sufficient number of them who have not been considered so culpable can be retained to afford all the assistance requisite for ascertaining the accurate resources of the Estate. Indeed in my firm opinion without an adherence to this plan, I shall be unable to make the Mofussilee settlement for the current year, in any way satisfactory to the Board or advantageous to the establishments appertaining to the Estate; and as the new year has far advanced, it is necessary

the new arrangements should immediately be carried into effect, I hope to receive the Board's final instructions on this point as speedily as possibly convenient.

JESSORE,
The 27th May 1816.

I have the honour to be,
SIR,
Your most obedient servant.
(Sd.) C. W. STEER,
Acting Collector,

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

To convince the Board it is utterly impossible any exertions, however, strenuous on my part can recover the arrears still due to Government from the outstanding balances of the past Bengal year 1222, I beg leave to submit to their consideration a statement showing the Jumma Wasil and Bankee accounts for 1222, of the Estate of the late Hajee Muhammad Mohsin.

2. The Board will perceive that the Gross Hustabood or Rent Roll for the past year 1222 amounted to Rs. 1,29,509-3-14-2. Of this the Mutwallis collected to the amount of Rs. 1,08,105-3-13-3 and the sum of Rs. 9,937-4-1 has since their removal from the trust been recovered by the Ameen and the amlah, he left at his departure.

3. From the Gross Rent Roll is to be deducted between 3,000 and 4,000 rupees on account of serinjamee, which has invariably been allowed to the several Farmers as remission from their Juminas, and a small amount for the unauthorized exaction of Currumcharee, after this deduction it appears there remain only Rs. 7,691-2-17 to discharge the amount of Rs. 1,20,23-11-10 still due to Government for the past Bengal year 1222; therefore, unless those measures are resorted to for the realization of this arrear which I pointed out in a former letter on the subject. Government must be subjected to a considerable loss of revenue for the late year, for I am not aware that a portion of the Estate can, under the present circumstances, be disposed of at public auction.

4. I have been assured by persons whom I cannot suppose interested to deceive me that the settlement for the current year will fall short considerably of the nominal Rent Roll of the past and they ascribe this deficiency as likely to ensue from the gross mismanagement of the persons who as Mutwallis have had the control of the Estate; they appear to have been totally unworthy of the trust and undoubtedly incapable when they committed the account and collections of the Mehals comprised in it, to the same persons who as ardahs likewise were Farmers and sureties for each other.

5. I have also been told that it is not likely any other persons than those officers of the Estate who held them for the past year, will venture to offer for any Farm for the current year and that if being officers they are unqualified to renew their engagements as Farmers the collections of the Estate must be made "Khans." Many of the officers' farming leases are expired. I wish to know if I am to admit the continuance of them?

6. As I have been honoured as yet with no reply to my late address to the Board or as Naseerulla Khan made his appearance, I have adopted no further measures for forming the mofussil settlement for the year, two months of which have now expired, than issuing a notification inviting all those who are desirous of taking Farms to tender their offers backed by responsible security into this office, but unless other more active measures

are immediately adopted, great difficulty will be experienced in realising the resources of the Estate for the present year ; and I am only hindered by the direct adoption of such measures by orders which I daily have expected from the Board in reply to my last address, wherein I strongly recommended that the officers for collecting the rents for the present year should altogether be different to those employed on the duties of the last, who by such gross misconduct had forfeited all right to a continuance of employment.

I have, etc.,

(Sd.) C. W. STEER,
Acting Collector.

ZILLAH JESSORE,

The 12th June 1816.

14th June 1816.

Acting Collector of Jessore.

I am directed by the Board to acknowledge the receipt of your letter of the 27th ultimo and 12th instant and to communicate to you the following observations and instructions.

2. The object of the interference on the part of the Board in the administration of the affairs of the Estate was (as you have been apprized) to ensure the appropriation of the profits to the purposes described in the Towleutnama (or deed of trust) executed by the late Hajee Muhammad Mohsin. If this object can be obtained through the medium of the Mutwallis the Board would have no objection to surrendering the Estate again to them provided they agree to the following stipulations.

Firstly.—To liquidate the balance of the past year with interest.

Secondly.—To commit the treasury to a person appointed by the Collector.

Thirdly.—To submit to the Collector a statement of the mofassil settlement.

Fourthly.—To entertain only such establishment for the collection of the Revenues and the management of the affairs of the Estate as shall be approved by the Collector.

3. On the Mutwalli's agreeing to the foregoing conditions you are authorized to surrender the Estate to them; but if they decline you will retain charge of the Estate and proceed to form the mofassil settlement with as little delay as possible entertaining and employing for the general conduct of the business of the Estate such persons as you may think proper not exceeding the amount specified in the establishment which accompanied your letter of the 11th ultimo.

4. Two modes for forming the mofassil settlement occur to the Board, viz.; either to apportion the Estate into small farms or to hold it Khas. The former is doubtless the safer and less troublesome mode and the Board authorize you to invite proposals for that purpose for a period of five years. Nevertheless, if you should be of opinion that as high a Revenue could be realized by holding the Estate Khas. you are authorized to adopt this mode but you must be aware that the unremitting attention and vigilance of the Collector will be required to ensure the due realization of the Revenue and to prevent abuses and misappropriation by the numerous officers which must be employed. In the event of this mode being adopted, it would, perhaps, be advisable to make a settlement with the principal ryots of each village.

5. With respect to the realization of the outstanding balances of the past year the Board are not prepared to give any specific instructions further than to desire you will proceed against the farmers, their sureties, or property in all cases where they can be discovered. but if no trace can be

obtained of them the arrear must be liquidated out of the profits of the current year.

6. Although the immediate payment of the arrears due to Government is justly demandable, nevertheless on a consideration of the unsettled state in which the affairs of the Estate have been involved for these some months past the Board would be disposed to accede to some indulgence of time for that purpose not exceeding six months, but you will endeavour to effect immediate payment.

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

In obedience to the directions and orders communicated in your letter of the 14th of last month, I beg leave to acquaint you for the information of the Board of Revenue, that I have this day surrendered the Estate late the property of Hajee Muhammad Mohsin to the two Mutwallis on their agreeing to the following stipulations :—

To liquidate the balance of the past year with interest.

To commit the treasury to a Khuzanchee appointed to this office.

To submit to this office a statement of the mofassil settlement and, to entertain only such establishment for the collection of the Revenues and the management of the affairs of the Estate as shall be approved by myself.

2nd.—I enclose for the observation of the Board copies of the following papers, which previous to my committing the Estate to the management of the Mutwallis, I deemed necessary to be executed, viz. :

Copy of a Purwannah addressed to the two Mutwallis.

Copy of their reply.

Copy of the Ickrarnamah or Engagement subscribed to by the Mutwallis.

Copy of my Purwannah detailing instructions to the Khuzanchee.

Copy of the notification issued in consequence of these arrangements.

3rd.—The Mutwallis having declared their entire inability to discharge by an immediate payment the arrear due to Government for the past year, I have been under the necessity of receiving from them an engagement to pay the amount with interest in six months. A statement of the mofassil settlement will be submitted as soon as formed, and a List comprising the establishment of officers for the collection of the Revenue and the general management of the affairs of the Estate has been made over for their guidance.

4th.—As the Revenue Receipts of the Pergunnah will be under the sole control of the Collector it is to be expected that for the future no difficulty will be experienced in realizing the annual amount payable to Government, or in ensuring the due appropriation of the profits to the purposes described in the Towleutnamah.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. W. STEER,

Acting Collector.

ZILLAH JESSORE,

The 9th July 1816.

BOARD OF REVENUE.

MISCELLANEOUS.

Acting Collector, Jessore.

I am directed to acknowledge the receipt of your letter of the 9th instant and of its enclosures.

The Board approve of your having committed the management of the Syedpur Estate to the Mutwallis and of your having allowed them the period of six months to pay up the balances with interest.

(Sd.) ILLEGIBLE.

12th July 1816.

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

I beg leave to state the following circumstances to the Board.

A man of the name of Mohammad Ahsin has clandestinely gained admission into the cutcherry of the Mutwallis of turf Syedpore. He is a man of notoriously bad character and by advancing money to Baker Allee Khan has gained so much ascendancy over him, that he (in private) has the entire conduct of the Estate to the very great detriment of it.

2nd. Between this man and my amlah the most perfect understanding subsists and although it is here notorious, that he pays them handsomely every month and makes away with large sums of money that are never properly accounted for, yet I have never been able to procure any of the original papers from the cutcherry of the Mutwallis as he receives notice from my amlah whenever I am about to send a purwannah, and has people ready to remove the required documents or forge others in their place.

3rd. I beg leave to state, that I only gained intelligence of his being in the cutcherry yesterday and think my being kept in ignorance is a convincing proof that my amlahs were in his interest.

I have great difficulty in procuring any documents from the cutcherry of the Mutwallis and have reason to believe that my amlahs throw every impediment in my way, as I am given to understand that they are deeply implicated in receiving monthly or yearly bribes.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Acting Collector.

ZILLAH JESSORE.

The 7th September 1816.

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

I have to acknowledge the receipt of your letter of the 17th of this month and in reply to the last paragraph beg leave to state that I have already issued 3 parwanahs to the Mutwallis desiring them to send in the Jumma Wasil Baki accounts, but they have not yet complied with my orders.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) R. H. BODDAM,

Collector.

ZILLAH JESSORE,

The 23rd September, 1816.

To J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

I am sorry to be obliged to state, that the conduct of the Mutwallis of Kt. Pr. Syedpore has been contumacious in the extreme towards me, and that my authority in this zillah has hitherto been treated by them with the utmost contempt; I have within this month issued three purwanahs to them ordering them to deliver in without delay the Jumma Wasil Bakee accounts of the present year in conformity with the orders of the Board of the 27th of last month, but I have hitherto received no answer from them, neither could I induce either of them to come near me. The Mutwallis have neglected to deliver in the statements of the Mofassil Bundubust for the present year, and although I have written several Purwanahs to them on this subject, they have taken no notice whatever of them.

2. On reference to the late acting Collector's letter to the Board, dated 9th of July 1816. he states in paragraph 3rd having sent for the guidance of Mutwallis "a list of the establishment of officers for the collection of revenue and general management of the Estate," and the name of Mohamed Ahsun was omitted in this list in conformity with the orders of the Board under date 14th May. It does not appear to me that the Mutwallis have paid any attention to the orders of the late Collector on this point, as I have had occasion to mention the name of Mohamed Ahsun in a former letter as taking a very principal part in the administration of the Estate.

3. I hope the Board will pardon me for freely expressing my opinion that the present Mutwallis Rajub Alee Khan and Baker Alee Khan are totally unfit persons to be entrusted with the management of the estate now under their charge and I beg leave to state the following circumstances as my reasons for the above assertion.

4. Rajub Alee Khan's extreme age totally incapacitates him from taking any part in the management of the Estate; he is between 70 and 80 years of age and is not only very infirm in body but considerably impaired in his faculties.

5. Baker Alee Khan is a young man of very weak mind and unfortunately of most debauched habits. It is notorious here that his nights are a continued scene of profusion and drunkenness, and in regard to the affairs of the Estate he suffers himself to be guided by any one who will advance money to support his extravagance.

6. The chief person, who at present advises, and influences the conduct of Baker Alee Khan, is Munshy Mohamed Ahsun, a man, of whose notoriously bad character, I believe, the Board is already aware. I ascribe the contumacious conduct of Baker Alee Khan to the influence of Mohamed Ahsun joined with the young man's want of common capacity.

7. Rajub Alee Khan for the reasons abovementioned, I consider as possessing a mere nominal share in the conduct of the Estate.

8. Munshi Mohamed Ashun has held two Ijarahs under the Mutwallis for nearly four years, viz., turuff Jounka and Turuff Misrediah to which Baker Alee Khan has within this last year, added the Ijarah of Turuff Maughora.

9. Bishonaut Bhose and Nersing Bhose are Benamee Ijaradars under the Mutwallis and have been so three years. In 1220 Nersing Bhose was appointed Dewan by Baker Alee Khan, and Bishonaut Bhose is a kind of Naib under him. These men have filled situations that ought to have been held by old servants of the establishment as directed in the 2nd paragraph of the Board's letter under date 14th of May 1816.

10. For the reasons abovementioned I am decidedly of opinion that under the present management, the Estate will fall into arrears every year. and I beg leave with due submission to suggest the expediency of appointing some fit person, on the part of Government to take charge of the Estate, I request the Board's order on this subject.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) R. H. BODDAM,

Acting Collector.

ZILLA JESSORE,

The 24th September 1816.

BOARD OF REVENUE.

MISCELLANEOUS.

The 4th October 1816.

Acting Collector, Jessore.

I am directed to acknowledge the receipt of your letter of the 23rd ultimo respecting the Mutwalli's having neglected to furnish the Jumma Wasil Bakee accounts of the Syedpur Estate, and to desire that you will inform them that a daily fine will be imposed if they do not immediately furnish those papers.

I am, etc..

(Sd.) ILLEGIBLE.

BOARD OF REVENUE.

Acting Collector, Jessore.

I am directed to acknowledge the receipt of your letter of the 23rd ultimo, respecting the application made by the Mutwallis to remit to Hooghly Rs. 4,000 for the expenses of the Imambarah at that place and to inform you that the Board authorize you to draw Bill on the Collector of Burdwan for the amount in favour of Syed Akbar Aleo Khan and to charge it in your accounts as a remittance from your Treasury.

I am, etc.,

(Sd.) ILLEGIBLE.

4th October 1816.

BOARD OF REVENUE.

MISCELLANEOUS.

R. H. BODDAM, Esq.,
Acting Collector, Jessore.

The 4th October 1816.

SIR,

I am directed to acknowledge the receipt of your letter of the 24th ultimo and to inform you that the Board will take into consideration the expediency of forming some new arrangements for the better management of your Estate of Pergunnah Syedpore.

I have, etc.

THE Board having under consideration the late communications from the Acting Collector of Jessore relative to the Trust Estate of Pergunnah Syedpore, etc., and the endowment for the Imambarah of the late Salahuddin Mohamed Khan together with an Urzee from Rujub Alee, one of the Mutwallis of the Imambarah and a second Urzee from Mohamed Hussan and other dependents of the family are compelled to remark the ruinous condition of the Estate as well with regard to the interests of Government in the Public Revenue therefrom as in the misappropriation of the remaining resources for the purposes and services of the Imambarah and for the support of the dependents of the late Hajee Muhammad Mohsin provided for by the Towliat-namah of the said Hajee.

The Board purpose to review at length the maladministration of the trust by the present Mutwallis Rujub Alee and Baker Alee Khan and to call the attention of Government to the imperious necessity of removing them altogether and otherwise providing for the management of the Estate and the care of the endowment on the principle of Regulation XIX of 1810.

But the present state of the Balances of Public Revenue and the temporary advance which it has been found necessary to make for the celebration of the Mohorum at the Imambarah appear to require the adoption of intermediate measures with greater promptitude than would be pursued consistently with the requisite deliberate examination of which the various documents connected with the case and with the report designed to be submitted to Government.

Resolved, therefore, that the Collector of Jessore be required to transmit with the utmost practicable expedition a Sudder Jumma Wasil Bakee account of the malgoozaree Estates of Syedpore, etc., for the kists of the current year 1223 (B. S.) to Cartie inclusive and to insert at the foot of the said account :—

A memorandum of anterior Sudder balances and to report whether the Mutwallis (the recorded malgoozars of the Estate) have already been served with a notice or written demand for the portions of instalments due on account of the revenue of the current year (discretionally authorized by section II of Regulation XVIII of 1814) or what mode may have already adopted for the realization of the Government dues.

BOARD OF REVENUE,
The 12th November 1816.

To R. ROCKE, Esq., .

Acting President, and Members of the Board of Revenue.

GENTLEMEN,

I have the honour to enclose copy of an Urzee from Gooropersaud Dutt, Peshker, on the establishment of the management of Pergunnah Syedpore, the Estate of the late Hajee Muhammad Mohsin, now under charge of the Mutwallis applying for a sum of S. Rs. 163-8 for the purposes mentioned in the enclosed list. An order was sent to Oogorkunt Ghosal, the Treasurer appointed on the part of the Collector, to ascertain by a comparison with former years' accounts, whether these sums were required and whether the sums said to be due to individuals corresponded with the accounts. He reports that they are so, and I have now to request your Board's instructions, whether the Treasurer on the part of the Collector is to advance this sum or not. The balance of revenue due to Government for the present year is Rs. 6,038-14 besides 6,668-11-10 is for the past year.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) TUCKER.

Collector.

ZILLAH JESSORE,

The 13th November 1816.

Charges required for the performance of the Mohorum, etc., at Moorley and other stations subordinate to Pergunnah Syedpore, the Estate of the late Hajee Muhammad Mohsin, now under charge of the Mutwallis :—

	Rs.	A.
For Mohorum expenses at Moorley ...	75	8
Ditto ditto at Kallispore ...	10	0
Balance in full of the charges ...	85	8
One for buckraid ...	3	0
In part of 61-15-10 the expenses for Elephant and Illuminations from 8 Assaur to Assin 1223 B. S. to be paid to Narayan Modee ...	25	0
In part of 100 rupees the daily expenses supplied from Ditto ditto to Luckhun Podar ...	50	0
Total ...	S. Rs. 163	8

E. E.

(Sd.) TUCKER,

Collector.

BOARD OF REVENUE.**MISCELLANEOUS.**

15th November 1816.

READ a letter from the Collector of Jessore with enclosure soliciting the Board's orders on an application on the part of the Mutwallis holding the Trust Estate of pergunnah Syedpore, etc., left by the lato Hajee Muhammad Mohsin to sanction the defrayment of a charge of Rs. 163-8 for the performance of the Mohurum ceremonies at Moorlee subordinate to Pergunnah Syedpore, the Board have reason to believe that any Mohorrum expenses exclusive of those incurred at and for the Imambarah of Salahuddin Mohamed Khan at Hooghly, were never sanctioned by Hajee Muhammad Mohsin ; on the contrary, they are given to understand that these expenses whether nominal or real originated with Baker Alee Khan, one of the present Mutwallis, at all events the Board are of opinion that any necessary expenses appertaining to the endowment made by Hajee Muhammad Mohsin, should be proposed and (if sanctioned) conducted by Akbar Alee Khan, to whose charge and superintendence the application of the resources for the endowment has been committed.

The Collector also reports that balances of Revenue due to Government for the present and past year are still outstanding against the estates to the amount of Rs. 6,038-14-0 current kist } Rs. 12,707-9-10.
„ 6,668-11-10, past year }

In order to ascertain the extent and to take measures for the realization of the balances against this Estate, the Board in their proceedings of the 12th instant required a Jumma Wassil Bakee account from the Collector. though that account has not yet been received the Board are decidedly of opinion that the information furnished by the Collector herein requires the adoption of measures without any delay to secure the dues of Government as well as to prevent the further abuses of the Mutwallis in the execution of their trust relative to the endowment for the Imambarah at Hooghly.

Resolved, therefore, that the Collector be required to put the estate of Pergunnah Syedpore, etc., under immediate attachment and to invest Akbar Alee Khan with the charge of the entire collections of the estate as sezawul, till the Board's further orders. Akbar Alee Khan will be directed by the Board to attend the Collector (in person as soon as he can possibly be spared from the celebration of the Mohorum at the Imambarah at Hooghly, and till then by his Muktear or agent) for that purpose, and the Collector is required to take prompt and sufficient measures either of his own authority or by application to the Court, if necessary, for the complete admission of Akbar Alee Khan as sezawul of the attached estate for the timely and faithful surrender of all the requisite accounts and papers by the Putwaris or the agents or gumustahs or other description of persons employed by the Mutwallis in the collections.

Further resolved that the application on the part of the Mutwallis by by Gooropershad Dutt, Peshkar, for the Mohorum expenses etc., of Moorley be for the present rejected, and that a copy of the Wajubul Urz of the said Peshkar be transmitted to Akbar Alee Khan requiring him to report whether in the accounts relative to the endowment by Hajee Muhammad Mohsin, and in the shares apportioned by the Towleutnamah of the said Hajee, these expenses were regularly defrayed or ever contemplated.

An English translation of the Sunud dated the 15th November 1816 granted by the Board of Revenue to Syed Akbar Aleo Khan appointing him as Ameen to take charge of the Syedpore Estate and the Institution at Hooghly.

The victorious Emperor Shah Alum, year 14, The devoted English Company, Dewan of Scobas Bengal, Behar and Orissa. Seal of Board of Revenue.

To the Eminent Syed Akbar Aleo Khan, Ameen of the Emambarah of Merza Salauddin Mohamed Khan deceased, may Health attend you :—

As a considerable degree of derangement and irregularity has obtained in the collection of rent of Pergunnah Syedpore, and so for the Mehals appertaining to the above mentioned Emambarah and in the realization of the Government rent thereof and large sums of Government Revenue having fallen in arrears for the present and past years, an order has been issued by the exalted Gentlemen of the Board of Revenue to the Collector of Zillah Jessore, directing that the said Mehals be attached, and the rent thereof collected by Government officers in consequence of such arrears of Government, and an order has likewise been passed to make over to you as suzzaul, the collection and realization of the revenues of the whole of the aforesaid mehals until further orders, and an order is issued to the Collector of zillah Jessore on the subject of your taking possession of the above written mehals, and taking charge of the requisite papers belonging to collection from Putwaris or Gomostahs or any others who hold authority from the Mutwallis. It behoveth you to wait upon the Collector of Zillah Jessore after the ten days of the Mohorrum and the completion of the business thereof without delay, to take possession of the mehals and strictly attend to the discharge of the duties of collection and realization and keep the tenants and cultivators contented and thankful by peaceable measures, and put the mehals in such regularity and order that the payment of the Government revenue and management of all the concerns may be perfectly effected conformably to the Towleatnamah of the late Hajee Muhammad Mohsin, without any derangement taking place, and if you cannot proceed to the aforesaid Collector in consequence of urgent business of the ten days of Mohorrum you will keep a Mukhtarcar or a Gomostha on your part in attendance upon that gentleman. A petition of Goorooprosad Dutt, Peshkar, on the part of the Mutwallis of the Emambara, transmitted with the report of the aforesaid Collector, praying for the sum of one hundred and sixty three rupees and eight annas to defray the expenses of the Mohorrum at Moorley in Pergunnah Syedpore having been at present received by the Presence ; a copy of it is sent enclosed in this purwanah, it behoveth you to ascertain from the accounts of past years of the time of Hajee Muhammad Mohsin, deceased, and from the contents of the Towliatnamah whether the aforesaid sum has been of before fixed for the expense at Moorely, and report the circumstances thereof in detail for the information of the Presence with all expedition. Consider this to be express.

A true translation,

(Sd). ILLEGIBLE.

Date the 15th of November 1816 Christian year.

To R. ROCKE, Esq.,

Acting President, and Members of the Board of Revenue.

GENTLEMEN,

I have the honour to acknowledge the receipt of your acting Secretary's letter of the 12th instant annexing copy of your Board's resolutions relative to the administration of the Trust Estate of Kt. Pergunnah Syedpore, and directing me to submit with all practicable expedition a Sudder Jumma Wasil Bakee account of the Malgoozaree Estates of Syedpore, etc., for the kist of the current Bengal year 1223 and a memorandum of anterior Sudder Balances also to report whether a written demand for the portions of instalments due on account of the revenue of the current year had been served on the Mutwallis (the recorded proprietors of the estate) or what other mode adopted for the realization of the Government dues.

2. On receipt of the above resolutions, viz., the 15th instant, I issued orders to the Mutwallis to furnish me immediately with a Jumma Wasil Bakee account of the Estate in detail up to Kartick of the present year. I only received the accounts this morning and I have now the honour to submit for your Board's information an abstract of them (No. 1) in English and Bengalee, a translation. or indeed a copy of the whole would have consumed too much time and the abstract appeared to afford every requisite information. By this account your Board will perceive that the demands from the talukdars, farmers, etc., to the end of Kartick amounts to S. Rs. 74,818-9-1 of which S. Rs. 51,728-4 is said to have been collected and the remainder, viz., Rs. 23,090-5-1 is still due.

3. Number 2 is a Sudder Jumma Wasil Bakee, or an account of the Government demand and receipts from the Estate for the kists of the present year 1223 to the end of Kartick at the foot of which I have noted the balance still due to Government for the past year. I thought it advisable to send both these accounts that your Board might be in possession of the actual collections from the Estate as well as the portions of revenue paid to Government. On enquiry I do not find that any written demand was made by the late Acting Collector on the recorded proprietors of the Estate for the portions of instalments due on account of revenue for the current year, nor can I now ascertain what measures were adopted with a view of realizing the Government dues. Your Board, however, will perceive that since my letter of the 13th instant the balance for the current year has been reduced to Rs. 1,836-2.

4. Account No. 3 is submitted to explain in what manner the sums stated in No. 1 to have been collected in the present year have been expended.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) TUCKER,

Collector.

ZILLAH JESSORE,
The 22nd November 1816.

To R. ROCKE, Esq.,

Acting President, and Members of the Board of Revenue.

GENTLEMEN,

I have the honour to acknowledge the receipt of your acting Secretary's letter of the 15th instant annexing a copy of your Board's resolutions. On a perusal of my address of the 13th instant in which I am informed of the appointment of Akbar Alee Khan as sezawul to the Trust Estate of Kt. Pr. Syedpore, and I am desired to attach the same forthwith and to take such efficient and prompt measures as I may deem necessary to ensure a faithful and timely delivery of the zemindary papers and accounts and the attendance of the Patwaris, Gomustas, Agents. etc., on Akbar Alee's arrival, to take charge of the Estate, for which purpose he would be directed to attend me in person, as soon as he could be spared from superintending the celebration of the Mohorum at Salahuddin Mohamed Khan's Immabarah at Hooghly and in the mean time by his Mooktar or Agent.

2. I have now the honour to report that on a consideration of the delay which is likely to occur ere the arrival of Akbar Alee Khan and to avoid the difficulties which a circulation of these orders in the Mofassil previous to their execution would inevitably produce at the same time that I proclaimed the attachment of the estate and the appointment of Akbar Alee as sezawul, I deputed a respectable man to proceed to the head cutchery of the Estate at Moorley to attach all the papers therein and place them under his seal. I likewise issued a notification to the raiyats, talukdars, farmers, etc., prohibiting them to pay any further revenue to the late Mutwallis or their agents or any one else, until further orders. I issued orders also to Oogoorkauntha Ghosal, the Treasurer, on the part of the Collector, desiring him not to advance any sums of money without further orders and to remit what he had in hand to the Treasury. I herewith enclose copies of my proceedings and the several purwanahs I issued on the occasion for your Board's entire information, and I am happy to say that Sheikh Rumzan has attached all the zemindary accounts in the cutchery at Moorley which he lodged in three chests, the keys of which are in my possession ; so that I trust Akbar Alee on his arrival will meet with, but few impediments in taking charge of his trust and proceeding to realize the outstanding arrears. I beg to be informed if I am to deliver up these papers to Akbar Alee's Mukhtear, and submit the collections of the Estate to him, or whether I am to wait the arrival of Akbar Alee in person for this purpose, and further whether Akbar Alee is to execute the usual engagements required from sezawuls on such occasions.

No. 1, copy of a roobookaree of this office, dated the 23rd instant.

No. 2, copy of a purwanah to Baker Alee Khan.

No. 3, copy of purwanah to Sheikh Rumzan to attach the papers in the cutchery at Moorley.

No. 4, copy of purwanah to Oogoorkunt Ghosal, Treasurer, on the part of the Collector.

No. 5, copy of Ishtehar to the Taluqdars, Farmers, etc., prohibiting their paying revenue to any one for the present.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) TUCKER,

Collector.

ZILLAH JESSORE,

The 25th November 1816.

BOARD OF REVENUE.

MISCELLANEOUS.

The 29th November 1816.

Collector, Jessore.

I am directed to acknowledge the receipt of your letters of the 22nd and 25th instant with their enclosures, and to inform you that the Board approve the measures which you have adopted to carry into effect their resolutions of the 15th instant.

As the festival of the Mohorum is nearly at a close the Board desire that you will await the arrival of Akbar Alee and submit to him the collections of the Estate.

The Board desire that you will call upon Akbar Alee to execute the usual engagements as are required from sezawuls.

I am, etc.,

(Sd.) ILLEGIBLE.

To R. ROOKE, Esq.,

Acting President, and Members of the Board of Revenue.

GENTLEMEN,

I do myself the honour to enclose for your Board's perusal copy of a Wajibul Arz presented to me by Akbar Alee, sezawal of the Trust Estate of Kt. Pr. Syedpore. I enclose also a translation of those paragraphs in it, marked with red ink, which I conceived it necessary to refer for your Board's consideration and opinion, previous to making any reply on the subject of them to Akbar Alee. I shall take the liberty of offering my sentiments on the several points alluded to in the Arzee and how far the proposals exhibited by Akbar Alee may be acceded to with justice and propriety.

2. The first paragraph (of the translation) complains of the want of fixed Putwaries or Currumcharies and points out the inconvenience to the offices of Government and loss to which the Estate is liable on this account.

3. As the salaries of Putwaries must be considered under the head of expenses of collections and as such defrayed from the produce of the Estate, I can discern no objection to their being appointed in every village by Government and I need not enlarge on the facility which this measure will afford to the officers employed in the collections nor of the advantages to be derived from it in cases where a prosecution for arrears of revenue may become necessary.

4. The second paragraph notices the decrease in the jumma of several places, and this without any ostensible cause, and at the same time discloses a scene of fraud which could only be successfully pursued by persons holding situations on the establishment and farms at the same time.

5. The success of such schemes, is also much facilitated by the Putwaries being the servants of the farmers and entirely dependent on them. Your Board have already (in your Acting Secretary's letter of the 14th May last) prohibited the officers attached to the institution holding farms, on pain of dismissal from their situations, but these orders are evaded by taking farms in fictitious names, neither have they given security for their regular attendance as directed in the above letter. In my opinion, these people should not be allowed to be concerned directly or indirectly in any manner or under any denomination in the revenues of the Estate. If they are allowed in this underhand manner to retain possession of their farms, the Estate must eventually be ruined, for the persons on whom we are unavoidably obliged to depend to preserve its resources are those who are to profit by their diminution.

6. Under these circumstances Akbar Alee recommends a thorough measurement of the Estate. This certainly would be an effectual method of detecting the appropriations of the farmers and bringing forward the whole of the resources on the rent roll of the Estate, nor does it appear to me to be objectionable, if due attention be paid to any documents which may be produced in support of claims to hold any portion or portions of land at

a fixed rent. I know of no regulation which forbids indiscriminately, the proprietor of an Estate to demand an increase on the preceding year's jumma from his ryots; on the contrary rules are laid down in the regulations showing how an increase is to be demanded from a cultivator or tenant. By section XI, Regulation V of 1812 these powers are extended to sequestrators on the part of Government.

7. Under the present deficiency of information regarding the internal management of the Estate, and of the tenures by which the several occupants hold their lands I think an immediate recourse to measurement might be objectionable, and in the advanced period of the current year, certainly improper as a retrospective measure, though the Mutwallis having failed to make the mofassil settlement with the concurrence of the Collector as directed by your Board and agreed to by them, would fully authorize it. Nevertheless it would, in several cases, draw punishment on the innocent; it would be punishing the ryots for the misconduct of the Mutwallis. Where a settlement has been made by farm this objection does not hold good, the farmer will take his full rent from the ryot, and as has been shown, may be supposed to have concurred with and participated in the misconduct of the Mutwallis. Previous, however, to proceeding to a measurement of the talooks, I think, it would be advisable to call upon the several proprietors to produce the documents under which they hold their talooks, when it can be ascertained what claims they may have to hold them at a fixed jumma.

8. The third paragraph complains of the Mutwallis' holding talooks in a fictitious name at a jumma much below their mofassil produce notwithstanding which they are considerably in balance. I think the method adopted by Akbar Allee in this case strictly proper; it is only exerting the power of all proprietors of land, to attach the lands of their undertenants for arrears, but he should publicly proclaim them under Khans management. If the Mutwallis can substantiate their claims to the Talook at the Jumma recorded in the zemindary papers then they will be entitled to a restitution of the excess beyond that amount, collected from the talook after deducting the expenses of collections.

9. The fourth paragraph complains of a sum of nearly 7,000 rupees having been remitted to Nursing Bose and Moonshy Ahsin in the engagements entered into by them for their farms, on account of debts due to them from the Mutwallis and requesting to know your Board's decision respecting the validity or otherwise of these engagements. They were submitted to your Board's consideration in the late acting Collector's letter of the 2nd ultimo, but no reply on these particular cases has been received.

10. It appears to me necessary in the first place to ascertain what places are farmed under these engagements, because if there should be talooks belonging to the Mutwallis. they are certainly at liberty to make whatever settlement of them most conducive to their own convenience, being themselves answerable only for the Jumma at which they stand recorded. I would, therefore, recommend previous to passing final orders on this subject that the Mutwallis be called upon to show what lands

they have farmed out under these engagements and the right by which they conceive themselves authorized to make these reservations in the Jumma of such lands.

11. Akbar Alee has not shown the necessity which exists to warrant the adoption of the measure proposed in the latter part of the fourth paragraph, though I learn from him in conversation, that he alludes particularly to the evident symptoms of collusion in the settlements with the farmers and the absence of their cooboleats and securities. How far the adoption of his proposal is warranted on the first of these two reasons, under the existing Regulations particularly section IV of Regulation V of 1812. I find it difficult to determine, but, if considered on these grounds that, the Mutwallis have exceeded their powers in concluding these settlements without the concurrence of the Collector, I think it but just and proper. It would also appear just and reasonable that they should be deprived of their farms unless their cooboleats and securities are forthcoming. Without these the revenues will be in jeopardy indeed, it would seem whether they exist or not, that they are not to be found amongst the papers attached by me in the cutchery at Moorely. I have issued orders to Baker Alee the remaining Mutwalli to deliver them up immediately, if in his possession or otherwise to account for them. If however, the leases cannot be annulled and the cooboleats and sureties of the farmers should not be forthcoming the only method left is to bring them all under Khans management, and to this I conceive there can be no objection. I do not see what the undertenant has to fear from a summary suit in either case. If the farmer's leases are annulled this preserves him from their demand, and if the farms are attached, the farmer is deprived of all authority during the attachment, or power of interfering with the collections.

12. With regard to the last paragraph of Akbar Alee's arzee I do not feel at all competent to give any opinion on the subject, and I am totally unaware of the grounds on which the accusation rests; I shall, therefore leave it entirely for the consideration of your Board.

13. I shall add nothing further to this address though I have much to submit to your Board relative to the line of conduct to be adopted by Akbar Alee in his future management of the Estate and trust committed to his charge, which, however, will more properly form the subject of a separate address.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) TUCKER,

Collector.

ZILLAH JESSORE,

The 19th December 1816.

Translation of extracts from an arzee delivered by Akbar Alee :—

1. It appears that, neither in the villages, talooks or farms are there any Putwaries otherwise called currumcharies, on the part of the zemindar

or the Government but the farmers use their own dependents in this employment, and receive remissions in their jumma for the expense they are subject to on this account, owing to this circumstance it is that, the mofassil papers are not forthcoming, and it renders it difficult for the servants of Government, in any case which may be pending, to give the required particulars as to the land and jumma demandable from it. It appears, therefore, advisable that, currumcharies should be appointed on the part of Government, and receive their sunnuds and salaries from the Hozoor.

2. The Mutwallis have not been able to make the settlement of Turufs Gowaldah, Zumeereah and Dobacolah, owing to their reputed insufficiency of assets notwithstanding the remission allowed for serinjamee. To illustrate this for example Turuf Gowaldah was farmed by a person in 1217 at a jumma of 1,830 rupees, but at present it is with great difficulty that any one can be prevailed on to take the same farm for 1,500 rupees and if it is attached, the expenses, etc., deducted, it will not yield that sum and on enquiry there do not appear any reasons which have not always existed, by which this falling off can be accounted for; but it appears that, the farms in this Estate, are almost entirely engrossed by officers on the establishment and owing to their influence and authority which they derive from their situations, combining with the ryots, they have appropriated to themselves a considerable quantity of the lands in their farms. Having done this, at the conclusion of the year they give to the several ryots a Jumabandy of the lands held by each at a rate much below their actual produce so that in the event of a new person engaging for the farm and wishing to collect agreeably to the original full jumma, the ryots produce the last year's accounts and refuse to pay any increase on them. Thus foreseeing eventually probable loss and present certain trouble and inconvenience, no new person is willing to stand forward as candidate for a farm. Under these circumstances a settlement with the old farmer becomes unavoidable, at a decreased jumma. It appears to me that this plan is very objectionable and at the same time it is impossible to reclaim the original full jumma, and prepare accounts of it such as would be approved by the court unless by a complete measurement of the whole Estate. Owing to all these circumstances and the want of former year's accounts, the mofassil jumma has yearly decreased.

3. In the taluk which the Mutwallis have made for themselves under a fictitious name, subsequent to the endowment and execution of the Towleatnamah by the late Hajee Muhammad at a Sudder jumma of Rs. 12,573-15 the mofassil produce of which is Rs. 17,309-8 there is notwithstanding this profit a balance for 1222 up to Aughun 1223 of Rs. 8,481-3-15. To ensure the realization of the revenue, I have taken security from the Kutkeendar of that taluk and he at present pays his revenue into my cutchery. If through the apprehension of the Mutwallis instituting a summary suit against him, on the strength of the engagements entered into by him with them, he should decline to continue to pay his revenue at my cutchery; there is no means left to secure the regular payment of the revenue but to attach the taluk. The Mutwallis have not made the mofassil bundobust agreeably to their engagements with Government; therefore, it cannot be sanctioned by the court.

4. Nursing Bhose and Munshy Assaun possess farms in the above taluk and other parts of the Estate, to the amount of about 20,000 rupees. In their Douls and Pattahs there is a remission of nearly 7,000 rupees on account of the debts due to them by the Mutwallis, and further for the remainder, Bissonath Bhose and Munshy Assaun. are themselves their own sureties. The late Acting Collector transmitted a copy of the above Douls to the Board ; what orders may have been received please to inform me. To ensure the realization of the revenue it is necessary that the Kutkeenadars, etc., should be required to enter into engagements to pay their revenue into the Sudder Treasury ; but they are afraid of being called upon to pay both parties ; if they are assured by Government that in the event of a summary suit being decreed against them, the sum taken in excess will be restored to them ; they can have no further objection and will pay their revenue into the Sudder cutchery.

5. I am directed in my sunud to appropriate two of the nine shares agreeably to the tenor of the Towleutnamah, for the support of the Mutwallis ; but from the papers which are preserved and from the complaints of several people attached to the endowment I understand that the Mutwallis have misappropriated large sums from the remaining seven shares (three of which were set apart for the expenses of the Imamabarah at Hooghly and four for the expenses of the servants, etc., attached to the Estate), and in other respects greatly abused the trust committed to their charge.

6. Rajub Alee is dead and Baker Alee is not confirmed. It is, therefore, necessary to attach the two shares ordered to be appropriated to the Mutwallis, until these misappropriations shall have been enquized into, otherwise the rights of poor individuals will be lost and even withholding these two shares the expenses of the Imambarah can scarcely be defrayed, the profits of the Estate are now so trifling.

A true translation.

(Sd.) TUCKER,

Collector.

To

The Collector of Jessore.

I am directed to acknowledge the receipt of your letter of the 19th instant covering copy of a petition presented to you by Akbar Alee Khan relative to the Syedpore Estate and to communicate to you the following observations and orders of the Board on the subject.

2. In order to proceed agreeably to the regulations to enforce the appointment of Patwaries the Board conceive, the sezwal should furnish you with a list of the several villages in the Estate to which those officers of account have been appointed as required by clause 2, section 62, Regulation 8 of 1793, and a list of such villages as have nominal Patwaries, actual dependents of, or collusively connected with the farmer to produce fabricated or incomplete accounts. The Board are also of opinion that you should ascertain from your records whether the appointment of these nominal persons to the office of Patwaree had been duly reported as prescribed by the clause above quoted.

3. In cases where no Patwaries have been appointed the sezawal, as the Estate is under attachment, may undoubtedly with your sanction appoint these officers and defray their expenses or salaries from the gross collections as a part of the Dhee Khurcha, where nominal Patwarees have been appointed, and they have refused to produce all or any accounts relating to the produce of the lands collections and charges of the villages, the accounts of which may be (or should be) kept by them respectively, and to furnish any explanation and information that may be required of them, you should, the Board conceive, apply to the court to commit the Patwarees until they produce them and on default of production or if produced the accounts should be found to be altered, fabricated or otherwise collusively or designedly erroneous, the court will doubtless order the dismissal of the said persons, whether Patwarees or Agents under section 8, Regulation 1 of 1801, and the sezawal then, may after such procedure appoint other Patwaries for the time being or permanently.

4. The Board fully concur in opinion with you that persons having situations on the establishment should not be allowed to hold farms, or to be conceived directly or indirectly in the revenue of the Estates. The Board desire that you will call upon the sezawal for a list of persons who may have such farms together with the date and description of their tenures, and on your further report on this point the Board will be disposed to give full effect to their orders of the 14th of May last alluded to by you.

5. By section 4, Regulation V of 1812 all leases that can be satisfactorily established to be collusive, may be annulled within the year by a summary suit in court. How far such a mode of procedure might be beneficial or expedient at the present season, the Board do not on the information at present before them feel competent to determine; should you consider it advisable to adopt the measure the Board will expect to receive from you a more full explanation on the subject. They, however, are of opinion that notices might be issued in due time before the ensuing season of cultivation

that all dependent talukdars or whatever descriptions of tenants will be liable to such other rents as the rates of similar lands may warrant, and if the system of collusion shall have been or hereafter, shall be found to have been carried on to such extent, that no accounts either of quantity or quality of land, can be relied on as accurate, the Board would not object to a measurement of the Estate as suggested,

6. Doubtless, if the notices of new rents and consequent demand of new engagements were issued in time, the dependent talukdars or others who may conceive they had peculiar rights or claims to hold their lands at a fixed jumma (such as may be the ganteedars, though the Board are given to understand that very many and serious abuses exist under those tenures, particularly in the quantity of ganthee lands of which the boundary marks must have been removed) will assert the same and the issue will rest on the proof they may furnish.

7. The measure of attaching the taluks holden by the Mutwallis under fictitious names (supposing that point to be clearly established or capable of legal proof), especially as there appears to be a balance due to the Trust Estate exceeding 8,000 rupees outstanding against them does not, in the opinion of the Board, appear to be irregular, and if the kutkeendar has been duly served with a notice of the attachment of such taluks or proclamations shall have been made according to section 23, Regulation VII of 1799, the sezwal will be secure from any consequences of summary suit or other process on the part of the Mutwallis against him. Indeed, it appears to the Board, that sequestration is the only mode of compelling the Mutwallis to the proof of their rights or titles in the taluks at a reduced jumma to the manifest injury of the interests of the endowment and apparently in violation of their trust.

8. The Board also direct that you will call upon the sezawal to ascertain whether the 3 per cent. serinjami (originally perhaps neither necessary nor proper) has actually been granted to the farmers for there is reason to believe from representations made that it has not been allowed or has been privately received by the Mutwallis. Certain it is that persons have since offered to take farms including the serinjami. The reannexation of this item, therefore, to the jumma in the ensuing settlement would seem highly necessary and expedient as well as the recovery of any sums that may have been paid in the course of the current year.

9. The Board previously to passing any definite orders relative to the engagements entered into by Nersing Bhoose and Munshi Ahsun for the rents of very extensive or valuable taluks, which rents appear to have been anticipated by Beerats or Mahajans, (as stated in the Acting Collector's letter of the 2nd ultimo) the Board are desirous of knowing the nature of these Beerats, the circumstances, and dates of the debts and the names of the mahajans.

10 In regard to the circumstances stated at the close of the 10th paragraph of your letter, the Board would consider it advisable to call on the Mutwallis to furnish information on the points noticed by you, and if the attachment of the lands in question shall have been duly published, the Kutkeendars alluded to by Akbar Alee in the 4th paragraph of the translation of his petition have, for the reasons already assigned, no grounds for

apprehension of the result of a summary suit in the event of their paying their revenues to the Sudder Treasury. Any claims that Nursing Bhose and Munshee Ahsin may consistently make will be duly attended to, but from the relative situation of these persons to and their former employ with the Mutwallis, there is reasons to suppose that a great part of the transaction is fraudulent or collusive.

11. Before the Board would be disposed to attach the 3/4ths of the property of the Estate appropriated by the Towleutnamah exclusively to the Mutwallis, they are desirous of obtaining from you through Akbar Alee information of the computed amount of embezzlement of the remainiug portions (devised by the Towleutnamah) for the Imambarah and for the support of servants, pensioners, etc., by the Mutwallis, and the nature of the proof that it might be requisite to exhibit to the Courts in the event of an action being brought against the Mutwallis for the recovery of the same.

12. The Board are inclined to think the case perfectly actionable in law and they would prefer the adoption of that mode leaving it to the court either to take sufficient security or to direct the attachment of their shares in lieu thereof to proceeding to that extremity in the first instance without a suit.

27th December 1816.

TO J. P. WARD, ESQ.,

Acting Secretary to the Board of Revenue, Fort William.

SIR,

I have the honour to report for the information of the Board that Rajub Alee Khan, one of the Mutwallis of the Imambarah at Hooghly, died on the 12th of November last.

I am,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Ag. Collector,

HOOGHLY COLLECTOR'S OFFICE.

28th January 1817.

To R. ROCKE, Esq. AND W. O. SALMON, Esq.,
Members of the Board of Revenue.

GENTLEMEN,

I have the honour to acknowledge the receipt of your Acting Secretary's letter of the 27th of December last relative to the internal management of the Trust Estate of Kt. Pr. Syedpore to the several points in which I beg leave now to submit my reply, having received all the information it was in the power of Akbar Allee Khan to afford me, and also having communicated with the Mutwalli, Baker Allee Khan as directed in the 10th paragraph of your Acting Secretary's letter.

2nd.—I herewith enclose copies and translations of the following papers connected with the subject under consideration.

No. 1, copy and translation of an arzee from Akbar Allee Khan relative to the queries which your Board directed me to address to that person.

No. 2, copy and translation of the settlement of 4 annas Pergunnah Syedpore for the current Bengal year 1223 taken from the accounts of the Mutwallis delivered to me by Lala Kishen Dyal.

No. 3, copy and translation of a statement showing the farms held in the 4 annas of Kt. Pergunnah Syedpore, by the officers of the amlah attached to the establishment and also by those of the Collector's and Judge's office.

No. 4, copy (and translation in abstract) of the sums misappropriated by the Mutwallis in violation of their trust in the years 1220, 1221, 1222 made out and delivered to me by Akbar Alee.

No. 5, copy and translation of a Durkhast from Baker Alee, Mutwalli, in reply to the questions put to him by me, in conformity with the orders of the Board in the 10th paragraph of their Acting Secretary's letter under date 27th December last.

No. 6, copy and translation of a statement showing the particulars of the talooks claimed by the Mutwallis, their jumma and mofassil produce delivered in by Lala Kishen Dyal.

3rd.—From the representation of Akbar Alee it appears that no Putwaris whatever have been appointed in the 4 annas in conformity with clause 2, section 62 of Regulation 8 of 1793, but they are temporarily appointed by the farmers and others during the period of their lease, who receive reductions in their Douls to the amount of the supposed expense attending thereon. Further it appears that Akbar Alee has not been able to form a list of the villages having nominal patwaris, that he had called upon them generally without specifying their names, merely as patwari of such and such a village, and that if they failed in rendering up their accounts, or if when tendered they appeared false and evidently fabricated for the present purpose, he would report the circumstances to me.

4th.—I am of opinion, it is become of the first importance to the well-being of the Estate to establish immediately a regular chain of patwaris throughout the whole Estate to be appointed by the sezawal

with the concurrence of the Collector, that the allowance made to the farmers, etc., by the Mutwallis be resumed and the several patwaris receive a fixed salary to be charged under the head of expenses of collection, coming within the 4 shares appropriated to that purpose by the Towleutnamah.

5th.—The next point alluded to you by your Board is the farms held by individuals attached to the establishment of the 4 annas and to the several courts. The enclosed statement No. 3 will give the information required in the 4th paragraph of your Acting Secretary's letter and I must again observe that I consider the immediate adoption of some plan to get rid of these farms for the present, and prevent their occurrence in future as absolutely requisite to ensure the punctual realization of the revenue, and the resources of the estate from being concealed and misappropriated. It will appear from the statement that the Mutwallis had in several instances given new leases in the present year at decreased rates, although the term of the former lease had not expired. On this account and further that the settlements were not formed with the knowledge and concurrence of the Collector, as directed by your Board and agreed to by the Mutwallis as a condition of their resuming charge of the Estate when temporarily divested of it in the past year I think they are all liable to resumption and resettlement.

6th.—Notices have been served on the cultivators and every description of tenant in the 4 annas of the tenor, and under the directions contained in the 5th paragraph of your Acting Secretary's letter, but as yet I have not heard that any one has come forward to establish a claim to hold his lands at a fixed rent. From the circumstances of there being no Patwaries and the best parts of the Estate having been long held in farm by the officers of the establishment, who through the influence attached to their situations have had it in their power to deprecate, and conceal the resources thereof, I fear it will be utterly impracticable to effect a proper settlement of the Estate without having recourse to a measurement of it. If this plan is adopted in one or two places the occupants of the remaining portions will of themselves come forward and enter into equitable arrangements.

7th.—With respect to the talooks held by the Mutwallis under fictitious names the enclosed statement No. 6 will show the nature and extent of them, and the undervaluation at which they have, it would appear unjustifiably appropriated them to themselves. for I have not yet seen any documents which in my opinion convey to them any right or title to the said talooks at a fixed jumma; though I believe, my own records furnish me with all the documents the Mutwallis can produce. I have not, however, called upon them to establish their claims, as it appeared from the tenor of the 7th paragraph of your Acting Secretary's letter, that your Board were inclined to leave it to them to come forward of themselves. The talooks have been attached for arrears, and the under-farmers not being willing to make arrangements for the payment of the balance, the settlements with them by the alleged talukdars (the Mutwallis) has been disregarded and the collections are now made from the ryots.

8th.—The next point to which your Board draw my attention in the 8th paragraph of your Acting Secretary's letter is the 3 per cent. serinjami allowed by the Mutwallis to the farmers, etc., in the settlement for the present year. From the information given by Akbar Alee, it would appear, that this remission was never granted until in the year 1222. The Mutwallis made a three years' settlement and granted the above allowance on the score of Akrajut and insufficiency of assets. Moreover, it would appear from the statement of Akbar Ally that the Mutwallis appropriated to themselves one-third of this remission. From the circumstances which have come to light in this investigation, tending to exhibit the conduct of the Mutwallis as entirely devoid of every principle of justice and integrity, I can readily give credit to the assertion of Akbar Alee relative to this case, though unattended by any proof. I am of opinion, the remission should be resumed in the ensuing settlement, but whether or not the resumption should also be retrospective, I leave it to your Board again to consider and determine.

9th.—I come now to speak of the transactions relative to the Burats granted by the Mutwallis on mahajans, the amount of which is deducted in the engagements of two farmers to be paid by them to the said mahajans. The farms alluded to are supposed to be held in fictitious names by Munshi Ahsin and Nursing Bhose. Of this I think, there can be no doubt entertained, and it can be substantiated, if ultimately necessary, but it is of no consequence to the issue of the point under consideration by whom the farms are held, the question is whether, or not the Mutwallis acted justifiably in granting such Burats on the revenues, and whether it is incumbent on Government, how the management of the Estate is under their charge to abide by such engagements.

10th.—It appears from the account given by Akbar Alee that the Mutwallis at several times borrowed from different mahajans in the year 1220 S. Rs. 13,402, which he states to have been actually advanced by Munshi Ahsin and Nursing Bhose, with the view of obtaining the situation of dewan to the 4 annas and receiving a stipend as such of 50 rupees per mensem. He states that at that time, the Mutwallis were at variance with each other and that they were each intent on establishing a claim to the Estate, for which purpose they retained numerous followers and expended large sums on various occasions totally unconnected with their situations of Mutwallis.

11th.—In the enclosed copy and translation of Baker Alee's Durkhast No. 5, we have his (the remaining Mutwalli's) account of the transaction from which I draw the following statement:—"That in consequence of the death of his father, Shaker Alee towards the latter end of the year 1219 B. S., he and Rujub Alee, the other Mutwalli, proceeded to Hooghly, and during their absence some ill-disposed persons set fire to the catchery at Moorely containing all the accounts and papers of the Estate owing to which they experienced great difficulty in realizing the revenue for the ensuing year 1220, and ultimately a heavy balance to Government ensued. That to liquidate this balance and also

some debts incurred by and in the lifetime of Manoojan Begun and Hajee Mohamed Mosum they had at several times and from different people borrowed a sum of Rs. 17,903, viz., from one Joynarain on the 6th Assar 1220 S. Rs. 2,000, from Bonmally Bose on the 26th Assar 1220 S. Rs. 6,000, from Ramnarain on the 6th Pous 1220 S. Rs. 4,501, from Munshi Moduniss on the 13th Assin 1220 S. Rs. 400, from Imdadullah on the 14th Assin 1220 S. Rs. 4,001 and from the same man on the 29th Kartik 1220 S. Rs. 1,001 making a total as above.

That to repay these loans with interest they had granted Burats in favour of the several mahajans on two farmers in whose engagements they had remitted a sum equal to the amount to be paid by them to the said mahajans. That they considered themselves justified in so doing because the sums having been expended on account of the Estate and the late proprietors thereof it was just and fair that they should be repaid from the collections of the Estate. That they conceived themselves to have full authority in the said Estate otherwise it was neither just nor reasonable in the late Collector under the orders of the Board to make them responsible and execute an engagement for the payment of the balance which had fallen due, during the time the Estate was under charge of an attaching aumeen in 1222. That the farms on which these Burats had been granted, did not belong to Munshy Ahsin and Nursing Bhose, nor were these persons at all concerned in the money transactions."

12th—It remains to try the probability of the two stories. There are several circumstances which tend very strongly to corroborate the statement of Akbar Alee and at the same time to discredit that of Baker Alee. In the first place, it will appear evident from an examination of the enclosed document No. 4 that in the three last years and more particularly in 1220 the Mutwallis have expended a sum of Rs. 44,311-10-1 in a very unjustifiable manner, that Munshy Ahsin and Nursing Bhose had actually been enrolled amongst the officers of the establishment, and we know from experience since the influence these men usurped and continued to hold over the conduct of the Mutwallis and Baker Alee in particular, until they were dismissed from their situations by the orders of your Board. Further I find from the records of my own office that at the time alluded to by Akbar Alee, Baker Alee actually succeeded in procuring his name to be recorded in the Collector's office as proprietor of the Estate in the place of his father, Shakar Alee, when it appears he only held it in charge in virtue of the Towleutnamah of Hajee Mohamed Mosum. Further, there can scarcely remain any doubt that the farms on the revenues of which these Burats are granted are actually held by Munshy Ahsin and Nursing Bhose, and that the sums also are actually due to those persons though the fact is denied by Baker Alee. Turuf Arindah etc., said to be farmed to Nursing Bose, is held on lease in the name of Kumul Bose under the security of Bishonath Bose whom Bakar Alee acknowledges in his arzee to be a relation of Nursing Bose. Turuf Junka, etc., supposed to be held by Munshy Ahsun, is farmed in the name of Ramdhan Ghose under the security of Mohamed Ikram, whom Bakar Alee also in his arzee acknowledges to be a relation of Munshy Ahsun. Munshy

Ahsun was also Bakar Alee's Mukhtear and on the 22nd Sawon 1223 presented a petition to the Collector in that capacity in which he states that Turuf Arindah is farmed by Nursing Bose under a fictitious name ; though Bakar Alee denies that Munshy Ahsun and Nursing were at all concerned in the money transactions, yet he confesses that the several mahajans from whom the money was borrowed are their relations. It is also to be surmised that they were the real lenders from another circumstance. Nursing Bose is a Hindu, Munshy Ahsun, a Muhammadan. The Burats on Nursing Bose's farm are all on Hindu mahajans, those on Munshy Ahsun's on Muhammadan. Moreover if these persons were not very intimately concerned in these transactions why have they been so active in the business. You never hear the name of any other person mentioned since these topics became the subject of investigation. The recorded farmers are men of no property whatever that they should hold such extensive farms ; moreover, where the necessity of granting such Burats at all if they were bona fide loans on account of the Estate. Why not pay them off gradually from the general profits instead of granting reductions in only two farms.

13th—The above account tends greatly to discredit Bakar Alee's story ; in one instance he is proved decidedly to have varied from his former statements ; I mean relative to the farm of Nursing Bose, which he acknowledges in his Durkhust to the Collector in 1223 but denies in his present arzee. This alone is sufficient to destroy his testimony, were it supported by better reasoning than it is. But he has not produced any vouchers to substantiate his assertions, nor has any one else but himself ever heard of the debts left unpaid by Manoojan Begum, and Hajee Muhammad Mohsin. If any such had existed, there would be no difficulty in producing accounts of them and the persons to whom the money was due. But there is even no mention of them in the jumma kurtch accounts nor does it appear from them, that any sums had been paid on that account. When by the jumma kurtch accounts it shall appear the very large sums which have been unjustifiably expended by the Mutwallis there can remain little doubt as to the origin of these loans or the purposes to which they have been appropriated. Further, Bakar Alee acknowledges that that the farms on which these Burats have been granted, belong to the Estate in general.

14th—I need not take up your Board's time by any attempt to confute Bakar Alee's arguments as to the authority by which the Mutwallis deemed themselves entitled to grant these Burats ; it is evident that they have no property in the Estate and that unless they could substantiate that these sums were actually expended on the Estate, they can have no right whatever to repay them from the revenues thereof. The only possible plea they could urge would be that the portions of the Estate on which these Burats were granted belonged to themselves and that whilst they paid the revenue assessed thereon they were entitled to make such settlements of them as they deemed most conducive to their own interests. But this excuse is not now open to them, as I have above stated ; Bakar Alee acknowledges the farms to belong to the Estate at large.

[REDACTED] I conceive, [REDACTED] me to enforce [REDACTED] when freed from these [REDACTED] the leases are to be considered [REDACTED] of their term your Board will [REDACTED] me. The original Douls were forwarded to your Board by Mr. Boddam on the 2nd November last. That of Hunkumal Bose *alias* Nursing Bose extends from 1223 to the Bengal year 1226 inclusive, and has reductions in it on account of these Burats for S. Rs. 15,463, besides a sum of Rs. 3,806 paid in 1222. Ramdhan Ghose's *alias* Munshy Ahsun is from 1222 to 1227 inclusive and has reductions for S. Rs. 6,323.

16th—The papers No. 4 will afford the information required in the 11th paragraph of your Acting Secretary's letter. I have only submitted an abstract translation of them as it would have caused too considerable a delay in the present advanced state of the Bengal year to have gone through the whole nor will it put your Board to much inconvenience to collect from them the details of the sums misappropriated which I have stated in the whole under separate heads, however, and distinguished the amount of each year. I think, on inspection, it will be found, that the sums and items disallowed, have been viewed with very liberal consideration and that a more rigid audit would have greatly swelled the amount of the supposed embezzlements. With regard to the proofs capable of being adduced in a court of justice, Akbar Alee states, that the facts are notorious to all the officers on the establishment; I should conceive the production of the accounts themselves quite sufficient as many of the items have no connection whatever with their situations of Mutwallis.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) TUCKER,

Collector.

ZILLA JESSORE,

The 28th March 1817.

No. 1.

Arzees from Lala Kishen Dyal and Akbar Alee Khan, sezawal of 4 annas of Kt. Pergunnah Syedpore.

That there are no patwaries whatever appointed according to section 62 Regn. 8 of 1793, that the farmers appoint their own men during their lease and receive reductions for them in their Douls.

That there is no account of the villages in which they are appointed in fictitious names, that he had called upon them as curmachery of such a place to give the accounts, and would report if they did not obey, sends a list of the farms held by the servants of the institution.

That the farmers never receive the remission of three per cent. until 1222 the Mutwallis made a three years' lease and allowed this three per cent. on account of Akrajut and Najao to several farmers of which the Mutwallis took one year's to themselves.

That Nursing Bose had at different times paid to the Mutwallis not in his own name 8,000 rupees in hopes of obtaining the Dewanship and receiving a stipend of 50 rupees monthly viz., on the 6th Sawun 1220 in the name of Joynarain Mahajan by the hands of Dyaram Chackerverty, Rs. 2,000, on 25th Assar 1220 in the name of Bunmally Bhose by the hands of Ramdhan Bhose Rs. 6,000 of which they paid on the 1st of Assin 1222 S. Rs. 1909-8, and 22nd of the same month 1909-8 more from the collections of the Estate, the remainder, viz., 4,181 is still due as appears by the accounts. The origin of the debt arose from quarrels between the Mutwallis in 1220, both of which asserted their right to the Estate and the others being an encroachment in consequence of which they retained a great many followers at a great expense and paid for them out of the mofussil collections, that they also paid 5,000 rupees Government revenue when the Estate was exposed for sale at the end of that year; besides which it appears in the accounts of 1221 that they paid Rs. 500 to the Molovy of the Court, Serferaz Ali Khan, to give a futwah in their favour to enable them to record their names in lieu of Shakur Alee's as Zuneendars and also some to the Collector's office. That previous to the attachment of his farms in the current year, he had embezzled more than Rs. 3,000 and in the Doul of Turuf Arindah, etc., his farms, in fictitious names from 1223 to 1226 a sum of 19,269 rupees was remitted to him. under the plea of Burats on mahajans to that amount, of which there was no mention in the Jumma Kurutch Accounts whatever, so that he could not explain its origin. That Munshy Ahsun in 1220, paid the Mutwallis 5,402 rupees in hopes of getting the Dewanship, etc., and in other persons' names viz., on 2nd Pous in the name of Munshy Moodunnis Mahajan 400 rupees, and on the 15th same month 4,001, and 1st Aughun in the name of Jmdadullah Mahajan 1,001. That he repaid himself 1,100 rupees from the collections of the Estate in Bhadar 1222. That the origin of the debt was the same as Nursing Bhose's but none of the money was paid into the Collector's office. That it appears from the people of the cutchery that Rajub Alee took 4,000 rupees for his own expenses to Hooghly and further that in the Doul of his farm in the name of Ramdhan Ghose for Chunka, etc., which he holds for six years; he has remissions on account of the loan 6,323 rupees and account serunjami 1591-14 together 7,914-14. That there was no mention made of the above sum in the Jumma Kurutch for the three past years and that previous to the attachment of the farms in the present year he had anticipated the revenues in a sum of 2,500 rupees or more and on the demand of the Korok Ameen the ryots produce the receipts of Munshy Ahsun. That the Mutwallis had embezzled 555,535-2-9 out of the seven shares appropriated to the expenses of the Imambarah at Hooghly, and the expenses of the estate which would be ascertained from the Jumma Kurutch accounts and might be proved by the Kazanchy and others of the amlah dated the 23rd Phalgun 1223.

No. 4.

Embezzlements or misappropriations of the Mutwallis of the 4 annas of Kt. Pergunah Syedpore in the years 1220, 1221 and 1222

Viz., for 1220	...	14,095	7	0	0	.....
Debts incurred (liquidated and remaining to be paid from the resources of the estate) for improper purposes	...	16,402	0	0	0	.....
						30,497 7 0 0
For 1221	...	...	...	...	...	4,938 10 7 0
For 1222	...	7,326	9	3	1	
Debts incurred as above	...	1,549	0	0	0	.....
						8,875 9 3 1
						44,311 10 10 1
Add arrears of revenue in talooks in possession of and alleged to belong to the Mutwallis	...	.....				11,223 7 19 0
						55,535 2 9 1
Explanation of the above as follows, viz., in 1220. Mutwallis take beyond their allowance of 2 shares	...	.....				7,287 5 13 1
Revenue of Mehal Malancha, etc., etc., long ago separated from the 4 annas, the proprietor of which pays the revenue to the Mutwallis. The collections are not credited, but the payments of its revenue is made from the assets of 4 annas	...	.....				2,249 4 0 0
Paid account debts incurred in 1219 but for which the Mutwallis can produce no accounts	...	.....				3,605 0 0 0
Balance of cash of 1219 not brought forward in 1220	...	.....				2,485 5 1 3
Salaries of new servants not to be found in any papers of the establishment appointed by the Mutwallis	...	.....				6,237 5 10 0
Improper expenditure at Moorely	...	.....				3,633 1 15 0
						30,497 6 0 0

Brought forward	...	30,497	6	0	0	
<hr/>						
Embezzlements of 1221—						
Due from Mutwallis written						
in their names as advanced	...	50	0	0	0	
Paid new servants' wages	...	4,860	7	0	0	
Improper expenses at						
Moorely	...	1,256	0	0	0	
<hr/>						
		6,166	7	0	0	
Deduct due to the Mutwallis,						
taken less than their allow-						
ance	...	1,227	12	13	0	
<hr/>						
Balance embezzled	...	.....				4,938 10 7 0
<hr/>						
Embezzlement of 1222—						
Paid new servants' wages	...	3,171	12	0	0	
Improper expenses at Moorely	...	3,142	14	0	0	
On account Burrats	...	1,549	0	0	0	
Advance to the Mutwallis	...	120	5	4	0	
Salary to Mutwallis	...	2,400	0	0	0	
<hr/>						
		10,383	15	4	0	
Deduct due to Mutwallis						
taken less than their allow-						
ance	...	1,508	6	1	0	
<hr/>						
						8,875 9 3 0
Arrears of revenue from Mut-						44,311 9 10 0
wallis' talooks	...	.....				11,223 7 19 0
<hr/>						
Total	...					55,535 1 9 0

A true extract,
(Sd.) TUCKER,
Collector.

No. 5.

Baker Alee's answer to my purwanah respecting the sums deducted in the Douls of Munshy Ahsan, Nursing Bhose and the origin of the debt to those persons.

States that the above have no farms in the 4 annas, that turuf Arindah, etc., is farmed, to Ramkumul Bhoose under surety of Bishenath Bhoose, a relation of Nursing Bhoose; and turuf Junka is farmed to Ramdhan Ghose under security of Mohammad Ikram, relation of Moonshy Mohamad Ahsun. That in consequence of the death of Shakur Alea in Chyto 1219, he and Rujub Alea went to Hooghly and during their absence some ill-disposed persons set fire to the cutchery containing all the papers of the zumendary owing to which a great

difficulty arose in the collections for 1220 and ultimately a heavy balance ensued to liquidate which he and Rujub Aleo had at different times and from different people borrowed money to the amount of Rs. 17,903. That when these people became clamorous for their money, it behoved them to repay it which they stipulated to do with interest by giving orders for the amount on the farmer of turuf Arindah, etc., and turuf Jumka, etc., which sums were accordingly remitted in the Douls of the said farmer by annual instalments the amounts of which can be ascertained by a reference to the Douls. That Nursing Bhose and Moonshy Ashun were not at all concerned in these transactions; that indeed the merchants from whom they borrowed the money might be their relations. That the lands under farm in the Douls of which these remissions had been granted belonged to the Institution; that the sums borrowed were expended on account of the Institution and the debts of Munoojan Begum and Hajee Mohamed Masan, therefore they were entitled to repay them from the collections of the Estate. That they had complete authority in the zumindary appeared from a purwanah of the Collector and further if they had not, why had the Collector with the sanction of the Board made them execute an *engagement to liquidate* the balance which had occurred during the time the Mehal was under the superintendence of an attaching Ameen in 1222.

BOARD OF REVENUE.

MISCELLANEOUS.

To

The Local Agents, Hooghly.

The Board's attention having been attracted to the arrears of wages and pensions and unadjusted claims of many of the servants and dependents belonging to the Imambarah and endowment of the late Hajee Muhammad Mohsin at Hooghly and considering it of great importance that such persons as are clearly and expressly entitled either to wages or donations under the Towleutnamah of the deceased Hajee should receive the same with as much regularity as the funds of the Trust Estate will admit of, direct me to call upon you to enter as early possible upon an enquiry into the names, existence and identity of the servants, dependents, pensioners and others who were originally appointed to, or put upon the establishment by Hajee Mohsin together with the amount of wages or pension or description of fee, perquisite or gift which each received and the date from which any arrears may be due.

You will be pleased to adopt such forms as may be requisite for the mention of those several items in the report you may make to the Board. You will also please to distinguish particularly the original servants or pensioners or other donees of Hajee Muhammad Moshin from those who may have been subsequently brought upon the establishment or endowment by the Mutwallis Mohamed Baker and Mohamed Shaker, who, the Board are given to understand, have introduced a number of new unauthorized and fictitious persons inconsistently with the intention of the Endower or the authority of the Towleutnamah and ruinously to the funds of the Estate and interests of the Endowment. The Board have reason to believe that Akbar Alee Khan, the Ameen of the Imambarah, etc., and sezawul of the Trust Estate did some months ago, deliver to the Acting Collector or to the Local Agents of the time a very full and complete list of the establishment to which you will be pleased to refer and as the Ameen will very shortly personally wait upon you, you will through him be able to procure the attendance of the persons required and from him obtain such further particular information as may enable you to conduct and bring to speedy completion the desired investigation.

I am etc.,

Dated 9th May, 1817.

TO J. P. WARD, Esq.,

Acting Secretary to the Board of Revenue.

SIR,

MR. LUSHINGTON, the Acting Collector of Burdwan and Hooghly, having delivered over charge of his office to Mr. Ogilvie, the Assistant, I beg to acquaint the Board that the list of pensioners and servants relating to the Hooghly Imambarah cannot, without their further orders, be made out. Mr. Ogilvie's residence being at Burdwan and mine at Hooghly.

2nd—Adverting however to the considerable distress and inconvenience that has already been occasioned by the delay in settling these claims and determining who are and who are not to receive pensions from the Estate and observing from your letter that the Board fully aware of this, desire the claims of these persons to be speedily enquired into, I beg leave to submit to the consideration of the Board whether under these circumstances it be not expedient that I should, in conjunction with the Ameen, proceed on the enquiry and in conformity to your letter of the 9th ultimo prepare and forward to the Board with as little delay as possible the list of pensioners required.

I have, etc.,

(Sd.) D. C. SMYTH,

Local Agent.

ZILLAH HOOGHLY,

The 25th June 1817.

To D. C. SMYTH, Esq.,
Local Agent at Hooghly,

SIR,

I am directed to acknowledge the receipt of your letter of the 25th ultimo and to inform you that the Board under the circumstances stated authorize you to proceed in conjunction with the Ameen of the Imābarah on the enquiry directed to be made under the orders of the 9th of May last.

I am, etc.,

(Sd.) J. P. WARD,
Acting Secretary.

The 1st July 1817.

Extract of a letter from the Local Agent at Hooghly, dated the
15th August 1817.

Para. 7th—I beg leave to bring to the notice of the Board the case of Wasik Alee Khan and to be informed what salary is to be paid him—100 rupees a month is found in his own name on the Hajee's hand-writing. As the Board have allowed Baker Alee 40 rupees, which appeared to have been allowed him by the Hajee, it may perhaps be proper to make the same arrangement with Wasik Alee. I have, however, postponed making him any allowance till I receive the Board's orders on the subject.

Extract of a letter from the Board of Revenue to the Local Agent
at Hooghly, dated 29th August 1817.

Para. 5th—With regard to Wasik Aleo Khan (No. 8 of List No. 1), the Board remark that the circumstances of Mirza Baker (not Baker Aleo as inserted, perhaps by mistake, in the 7th paragraph of your letter) to whom the Board confirmed the monthly allowance of Rs. 40 originally granted by the Hajee upon the establishment at Moorley of zilla Jessore are altogether dissimilar from those of Wasik Ali Khan, who ays claim to the situation of Mutwalli to the Institution as heir and successor of Rajab Aleo Khan, deceased.

BOARD OF REVENUE.

MISCELLANEOUS.

12th September 1817.

Collector of Jessore,

1. I am directed to acknowledge the receipt of your letters of the 13th and 15th ultimo with their respective enclosures and to communicate to you the following observations and instruction of the Board.

2. Before I proceed to the further and separate notice of these letters I have to make known to you the Board's fullest approbation of the assiduity and ability with which you have conducted the investigation into the various and large embezzlements of the Mutwallis from the funds of the Trust Estate and Endowment of Hajee Muhammad Mohsin and of the perspicuity with which you have reported on the accounts notwithstanding the confused and complex shape in which they were just exhibited for your inspection and audit.

Collector's letter of the 13th August and statements Nos. 1-2 3 of enclosures being accounts for 1220 B.S.

3. The Board observe that you have traced and explained under sundry items, the embezzlements of the year 1220 to the amount of Rs. 14,337-7-7-3, whereof Rs.* 13,140-9-10 would appear to appertain to Moorley in your district and the remainder to Hooghly, but the Board have understood from Lala Kishen Dyal that the item No. 25 (Rs. 182-3-7-3) may probably by mistake of the copyist have been inserted under the Hooghly items as he believes that it appertains to Moorley.

	Rs.	A.	P.
*Viz., from items 1 to 19 inclusive of account particulars No. 2	5,230	11	10
Item No. 26 of account ...	1,000	0	0
Do. No. 27 of do. ...	3,483	9	0
Do. No. 28 of do. ...	3,426	5	0

4. In like manner you have deduced from the map of accounts for the years 1221 and 1222 embezzlements by the Mutwallis or with their cognizance to the extent of Rs.* 31,403-11-6 which together with the sum noticed in the preceding Paragraph* on account of the year 1220 would amount to Rs. 45,741-2-13-3.

*On account of 1221 as per statement No. 1 for that year ...	16,211	14	2	2
On account of 1222 as per statement No. 1 for that year ...	15,191	13	3	2
*As per statement No. 1 on account of 1220 ...	14,337	7	7	0

5. The Board are decidedly of opinion from the detailed explanations annexed by you to the several statements, that most of the disbursements made and items of revenue not brought to account, viz., balance of sudder jumma and difference of sudder jumma and mofassil produce were unauthorized, unwarrantable and profligate expenditure and malversation for which the Mutwallis or their Estates or assets personal or not would be responsible in process of law.

6. At the same time the Board have advocated to your opinion and are disposed to lean to your conclusion that "the Mutwallis have no property wherewith to satisfy such demands" and that "suits

instituted for the recovery of the whole of the embezzlements" might be protracted to an indefinite period and in the end only burthen the Estate with a large debt to defray the expenses of them.

7. The original intention of instituting suits against the Mutwallis embraced two objects; first to recover to the extent of their means the whole or a portion of the embezzlements for the benefit of the Estate and Trust, the second to establish by the test of judicial proof the unworthiness and incapability of the Mutwallis to hold the situation longer.

8. But it would appear that ultimate restitution by them is almost hopeless and the previous process to compel it certainly expensive, whilst the very clear exposition of the acts which you have afforded is in the opinion of the Board amply sufficient to determine beyond doubt, the question of their abuse of trust and their consequent disqualification and liability to dismissal for both the spirit and the letter of the deed or Towleutnamah must be considered respective as to the essential point of good conduct and faithful discharge of duty, and though it may be said to confer the appointments on the persons permanently, it must necessarily be understood to be *quam diu se benegesserit*.

9. Under such circumstances the Board can no longer feel hesitation in declaring Baker Alee wholly incompetent to continue to hold his situation and the heir of Rajub Alee equally indigible to succeed to the vacant post of co-Mutwalli both on the grounds that the founder by no means designed, uncircumscribed or unconditional inheritance and that the connexions and relations of the Mutwallis have otherwise disqualified themselves by becoming parties to the nefarious transactions that have been practised.

10. Tho' the Board are competent to sanction the dismissal of Baker Alee Khan from his official situation on the establishment of the Endowment, still in advertance to the consideration which the Founder, Hajee Muhammad Mohsin manifested to that person, they will be disposed to authorize his receiving an allowance from the Funds appropriated to such purposes, and will hereafter make the necessary communications to this end to the Local Agents at Hooghly; on similar grounds an allowance was made to Wasik Alee, son of the late Rajub Alee.

11. Since the suspension of the Mutwallis from their official functions and the appointment of Syed Akbar Alee to act as Ameen of Trust Estate and of the Endowment at Hooghly, the 3ths share applicable under the Towleutnamah to their uses has, doubtless, been sequestered, such amounts may perhaps be appropriated for the liquidation of a part of their embezzlements, but the Board are apprehensive that it may not be legally tangible for the purpose without a previous prosecution and decree of Court against the Mutwallis; in the interim the Board have resolved that the portion of the Mutwallis' share shall be kept in deposit and have it in contemplation to address Government generally in regard to the Endowment and its late and future management.

12. With reference to the 12th paragraph of your report now under consideration the Board direct me to acquaint you that Lala Kishen Dyal has been ordered to return to you with as little delay as practicable, he has been made acquainted with your favourable report of him and the consequent satisfaction of the Board.

13. The Board have every reason to be satisfied with the statement of expected receipts and disbursements of the Trust Estate of Kismut Pergunnah Syedpore for the present year and have particularly observed the material improvement which has been wrought by the exertions of Syed Akbar Alep and Lala Kishen Dyal under your instructions and superintendence.

14. The Board sanction the defrayment of a sum equal to the proposed estimates in statements No. 2 and 3 as occasion may require, and with the precaution which you very prudently design to exercise as to the previous discharge of the Government dues, you will consequently understand that the Board confirm the establishment to be maintained for the management of the estate as detailed in statement No. 2 leaving it to you to fill up, in concord with Akbar Ale Khan, the vacant situations therein noticed.

15. With reference to the 4th paragraph of this report the Board observe that the heavy arrears of allowances to the numerous persons on the Hooghly establishment entitled to participate in the $\frac{1}{4}$ th share of the proceeds of the Trust Estate, and the very delapidated condition in which the Mutwallis left almost all the buildings appertaining to the Endowment (provided for by the founder from the $\frac{1}{4}$ th share) will, it is feared, in the first instance occasion considerable expenditure; as soon as the necessary arrangements to these ends shall have been completed, the Board will be desirous to appropriate the improved funds of the Trust Estate in strict conformity with the original intention of the Institution.

To A. OGILVIE, Esq., AND D. C. SMYTH, Esq.,

Local Agents at Hooghly.

GENTLEMEN.

I am directed by the Board to acknowledge the receipt of a letter from you dated the 10th instant with its enclosures.

2nd—Previously to passing finally the accounts of receipts and disbursements of the Imambarah at Hooghly pending the charge of the Ameen Syed Aleo Akbar Khan the Board are desirous of receiving your opinion as to the credibility of the accompanying statement (purporting to be copy of a sooruthaul) and of the persons attesting the original of such statement and generally whether you have reason to suppose that any grievances, or malpractices did or do exist in the present administration of the Endowment.

3rd—The Board are aware that the confused and impoverished state of the funds of the Endowment prevented during the time alluded to the disbursement of any very large sums for the celebration of the Mohurums, and the Ameen was restricted from incurring any expenses that were not immediately, and absolutely essential to the due and decorous observance of that festival, at the same time that it was intended that all consistent and necessary solemnity should be attended to.

4th—The Board conceive that preliminarily it will only be necessary to ask verbally of some of the most respectable and higher classes of Mussalmans whose seals or signatures are said to have been affixed to the original sooruthaul, or memorial (and who may be considered impartial persons unconnected with the former Mutwallis, or present expectants) whether they did seriously consider, and subscribe from their knowledge to the effect that the affairs of the Imambarah were badly conducted, or mismanaged.

5th—Upon receiving information from you on this point, and your sentiments generally on the subject, the Board will be prepared to come to a further determination either to pursue further enquiries; or to pass the Jumna Khurch accounts submitted by you.

6th—With respect to the Mehals which you recommend to be disposed of as an escheat to Government, the Board observe that on the 24th November 1815 the Governor General in Council was pleased to authorize the small estates to remain with the actual occupants. The only Mehal, therefore, which may be considered immediately liable to be taken possession of on an account of Government would appear to be the Kiddirpore Mehal situated in the 24-Pergunnahs which is reported to be held Khas. In respect of that Mehal the Collector of the 24-Pergunnahs was lately called upon to furnish a copy of the engagement under which it is held, the Board consequently will wait

the receipt of that document before they pass any further definitive orders.

7th—The title to the Mehal of Malancha situated in the Burdwan district, and in the occupancy of Maohamed Hossein, has been considered doubtful, and at present the Board are not prepared to come to any positive decision on the subject.

8th—The Board entirely approve of the suggestion contained in the 5th paragraph of your letter and the Collector of Jessore will be instructed accordingly.

I am etc.,

(Sd.) J. P. WARD,

Acting Secretary.

The 27th February 1818.

No. 637.

To C. BULLER, Esq., AND W. O. SALMON, Esq.,
Members of the Board of Revenue.

GENTLEMEN,

WITH reference to your letter bearing date the 8th ultimo, I am directed by the Hon'ble the Vice-President in Council to transmit to you copies of the correspondence noted in the margin, relative to the suit instituted in the Supreme Court by Torab Alee Khan against Akbar Alee Khan.

Letter to the Company's
Attorney dated the 15th May
1818.
Letter from the Company's
Attorney dated the 28th May
1818 with two enclosures.

2. Under the resolutions contained in the letter addressed to Mr. Poe on the present date you will of course afford to that gentleman every information and assistance which he may require from your Board for the purpose of defending the action.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Secretary to Government.

FORT WILLIAM,
The 12th June 1818.

To R. W. POE, Esq.,
Company's Attorney.

SIR,

I AM directed by the Honourable the Vice-President in Council to acknowledge the receipt of your letter of the 28th ultimo, submitting the opinion of the Advocate General in the cause Turab Alee Khan *vs.* Akbar Alee Khan.

2. The acts of the defendant on which the suit in question is founded appearing to have been done in conformity with the orders of the Board of Revenue, it remains only under the circumstances stated by you to defend the action if persisted in on the part of Government.

3. You will accordingly be pleased after applying to the Board for such information and documents as may be required to take the

requisite steps under the instructions of the Advocate-General for the above purpose.

I am, etc.,

(Sd.) H. MACKENZIE,

Secretary to the Government.

COUNCIL CHAMBER,

The 5th June 1818.

To HOLT MACKENZIE, Esq.,

Secretary to the Government.

SIR,

WITH reference to your letter of the 15th instant respecting the arrest of Akbar Alee Khan, at the suit of Torab Alee Khan, I beg to report, for the information of Government, that having obtained of the Prothonotary of the Supreme Court upon my application to him an office copy of the plaint and affidavit of debt by the plaintiff, I laid the same before the Advocate-General together with the papers which were enclosed in your letter, and have now the honour to forward a copy of his opinion on the matter together with a copy of the plaintiff's affidavit of debt.

I have made enquiries of the defendant, and find by his own acknowledgment that he carries on mercantile transactions in Calcutta, which alone subjects him to the jurisdiction of the Supreme Court in Calcutta, as does also the circumstance of his being in the service of the Honourable Company, so that there does not appear to have been any irregularity on the part of the plaintiff's Attorney in issuing out a warrant to arrest Akbar Alee Khan after Torab Alee Khan had sworn to the justness of the debt.

I am, etc.,

(Sd.) R. W. POE,

Attorney to the Honourable Company.

Fort William,

28th May 1818.

Akbar Alee Khan	...	...	...	Defendant.
Torab Alee Khan	...	...	...	Plaintiff.

I have perused the affidavit of debt and plaint in this case, together with the letter of the Board of Revenue and petition of the defendant.

It may turn out in the sequel that there is no foundation for the demand made upon the defendant which is a common action for money but, that can only be determined when the cause comes to trial, all

the proceedings are perfectly regular, and there certainly is no blame imputable to Mr. Brewer, the Attorney for the plaintiff, unless he be guilty of instigating his client, the plaintiff to make a false affidavit of debt, and of confederating with him to oppress the defendant under pretence of suing for a just debt of this, however, there is at present no evidence.

If there be no debt due, and if defendant be not an inhabitant of Calcutta within the meaning of the Charter, the plaintiff who must prove him, will fail in his action. It appears to me, however, that the defendant according to the facts stated to me of his dealings in Calcutta, and resort thither, etc., may be liable to the jurisdiction as an inhabitant, but there seems no doubt that as a person in the service of the Company he is subject to it—there is no necessity for the cause of action arising locally within Calcutta, if the person be subject to the jurisdiction.

If there be no cause of action, and this is a more malicious and vexatious proceeding, the defendant will have his remedy by action accordingly. At present, however, it appears to me an ordinary case of a man being held to bail for a cause of action, to which he thinks he has a complete defence.

It will be necessary, therefore, to appear for the defendant, and if his account be correct, there is no pretence for the demand made by the plaintiff.

(Sd.) R. SPANKIE,
Advocate-General.

28th May 1818.

IN the Supreme Court of Judicature at Fort William in Bengal—

Torab Alee Khan	...	...	Plaintiff.
Akbar Alee Khan	...	...	Defendant.

Torab Alee Khan of Mutehwa Bazar, in Calcutta, Zamindar, the plaintiff in this cause maketh oath and saith that Akbar Alee Khan, the defendant in this cause is justly indebted unto him, this deponent, in the sum of Sicca Rupees Two Thousand for money lent and advanced by this deponent to the said defendant at his request, and this deponent further saith that the said defendant is an inhabitant of the town of Calcutta, and therefore as he, this deponent is advised and believes is a person subject to the jurisdiction of this Honourable Court.

Signed in the Persian character.

RAMCONNOY DUTT,

Intr.

Sworn this 4th day of May 1818,
before me.

Sd. F. MACNAGHTEN.

Upon reading the annexed certificate and the written affidavit having been duly sworn before me, I do order that a Writ of Capias do issue in this cause against the within named defendant, and that a clause be therein inserted authorising the Sheriff to take bail in the sum of Sicca Rupees Two Thousand and One Hundred—dated the 4th day of May 1818.

(Sd.) F. MACNAGHTEN.

Copies.

To The Company's Attorney.

SIR,

I am directed by the Hon'ble the Vice-President in Council to transmit to you the accompanying copies of a letter from the Board of Revenue dated the 8th instant with its enclosure, regarding a warrant of debt issued against Syed Akbar Alee Khan, a Commissioner on the part of Government for the management of a public Institution at Hooghly.

2. You are requested to take the necessary steps under the instructions of the Advocate-General for defending the suit therein referred to, if persisted in; and you will be pleased at your earliest convenience to furnish Government with a particular report in regard to the circumstances under which the process was issued.

3. Any information that you may require touching the circumstances of the Institution referred to, or regarding Syed Akbar Alee Khan, will be furnished on your application by the Secretary to the Board of Revenue.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary to Government.

COUNCIL CHAMBER,
The 15th May 1818.

The representation of Syed Akbar Alee Khan addressed to the Board of Revenue respecting the suit instituted against him by Turab Alee Khan

The suit instituted by the above person against me is for many reasons not cognizable by the Supreme Court :—

From the petition of plaintiff it appears that the suit has been commenced direct against myself, and that the Government are in no way concerned in the case ; I am a vakeel on the part of Shreemunt Maharajah Omrut Rao of Poonah, I, therefore, do not consider myself as subject to the jurisdiction of the above Court. In the year 1813 a prosecution for debt commenced against a vakeel of the Court of Nepal, was thrown out for the above same reasons.

2ndly.—I am not an inhabitant of Calcutta and I reside without the jurisdiction of the Supreme Court.

3rdly.—It does not appear from the petition of the plaintiff that I am prosecuted in my official capacity, besides, the cause of this action originated in Hooghly, a place not within the jurisdiction of the Supreme Court, but subject to the Regulations of the Honourable Company.

4thly.—I was employed by Maharajah Omrut Rao on an embassy to the British Government, I arrived in Calcutta in the month of July 1813 and after having completed the object of my mission I remained in Calcutta for five years. Agreeably to the wishes of Maharajah Omrut Rao and with the permission of the Most Noble the Marquis of Hastings, in the month of September 1817, I set out for the Western Provinces, but afterwards, obtaining the permission of the Maharajah to return, I arrived in Calcutta on the 10th April 1818, and took up my abode at Entally ; if from the 19th April to the commencement of the prosecution by the plaintiff, I have in any way made myself amenable to the Supreme Court, let it be proved and I shall in that case, of course, consider myself as bound to answer the suit.

If the circumstance of my holding a situation under Government should make me subject to Court, my answer to the suit is that the deed is not under the Regulations of the Honourable Company admissible.

The circumstances relating to the case are as follows. On the 26th November 1815, corresponding with the 2nd Aughun 1222, I received a sunud from the Board of Revenue. Two or three days afterwards some of the old officers belonging to the Institution who had come to Calcutta to make complaints against the Mutwallis, attended on me and showed me the Moojmil and Oosoal Tahsil accounts of the Pergunnah on the 6th of Aughun, I arrived at Hooghly and agreeably to the orders of the Board of Revenue to the Collector of Hooghly, and in conformity with the sunud that had been granted to

me I, on the 7th Aughun, corresponding with 20th November, 19th Zil Huz 1230, took charge of the Imambarah of the late Salahuddin Mohamed at Hooghly. As at this time the period of the festival of the Mohurum was nigh at hand and as I had received instructions from the Acting President of the Board of Revenue to attend to the affairs of the institution, and to take care that the festivals were properly conducted, I, in consequence, waited upon the Collector requesting an advance of money. The Collector issued a strict order on the subject to the Mutwallis, because the collections for the Pergunnah were at that time under those officers. The sunud of appointment authorized me to draw upon them for money. I grant my receipts for such as I might receive, charging it in the accounts of the Imambarah as a disbursement on account of the Institution, to regulate my demands upon the Estate according to collections which the accounts of the Pergunnah might show to be realized. I acted in conformity with the rules laid down in the sunud. The Mutwallis informed me that the receipts from the Pergunnah were applied to the liquidation of the Government Revenue, and to the expenses of the Imambarah, and that the accounts were at the Pergunnah; I informed the Collector of this and I issued at the same time an order to the officers on the Estate to furnish me with the papers in question; the Collector also issued a strict order for the immediate surrender of them, and to advance me money. Baker Aleo Khan came to me and said that there was a sum of money in his hands, but that as Rajab Aleo Khan was the senior Mutwalli, he could not give it without his permission, at the same time he added that in order that the Mohurum should be provided for, he would advance two thousand rupees in the name of Torab Aleo Khan; circumstanced as I then was, and as a sum of money was necessary on account of the Mohurum, I was induced to accept the offer, and on the 12th Aughun I accordingly received from Baker Aleo the above amount and furnished him with my receipt in which it was clearly stated that the money was received on account of the expenses of the Imambarah and that it should be defrayed from the receipts from the Pergunnah; Baker Aleo Khan and Rajab Aleo Khan informed me that there were no surplus collections in hand, and that the amount which they had collected had been partly paid into the Collector's Treasury on account of Government Revenue, and the rest expended on account of the salaries of the servants and dependants of the Institution. About this time I received letters from some of the old Pergunnah Officers stating that the collections from the mofassil has exceeded the amount paid into the Collector's Treasury on account of the revenue of the Estate, and that the Mutwallis had embezzled considerable sums and further that Baker Aleo Khan had concealed the accounts of the Estate, and receiving this information I demanded the papers and money from Baker Aleo Khan who said that on his return to the Estate he would send the papers accompanied by a remittance; he accordingly set out for the Pergunnah—I communicated this to the Collector who, in consequence, issued another positive injunction for a remittance of money. In consequence of this, four thousand rupees were received by me from Baker Aleo Khan, viz; two thousand on the 3rd

Chyte and on the 6th two thousand more, also one thousand and eight hundred and thirty one rupees on another account making altogether S. Rs. 5,831 which was received on account of the Institution for the above year, and inserted in the accounts accordingly. At about this time I received directions from the Board of Revenue to proceed to the Pergunnah to attach the two shares belonging to the Mutwallis for the purpose of recovering the amount which, it appeared (that these) persons had embezzled from the collections on account of the four annas share.

In addition to what I have I have further to forms the subject of the suit against me belonged to Baker Alee Khan that the amount is inserted in the Jumma Khuruch accounts of 1222 as a remittance from Syedpore, and that those accounts have been for the last two years deposited in the office of the Local Agents at Hooghly, again in the year 1223, in the month of Jeyte Baker Alee Khan wrote to Lala Kishen Dyal, Tashildar, desiring that the amount in question, which was lent to me in the name of his brother should either be passed to his credit on account of Talook Chingotea, or that the amount should be paid to him, that note under the signature of Baker Alee Khan, I have in my hands I have further to state that I have not the least acquaintance with Torab Alee Khan; it will appear strange, therefore, that a man, with whom I was not in any manner acquainted, should lend so large a sum, neither is Torab Alee, a Mukhtear of the Estate He has allowed nearly

to pass without prosecution of the recovery of the amount

Alee Khan has for the last in same he went

against me from motives of personal enmity from the explanation which I have above furnished, it will appear evident that the money which forms the subject of the suit against me belonged to Baker Alee Khan, and that the name of Torab Alee Khan is fictitious. If the mofassil papers relating to this sum should be required, they are to be found with Lala Kishen Dyal the Tehsildar, who has lately obtained leave of absence to proceed to Azimabad for the celebration of his marriage; a delay, therefore, of one month, will occur before they can be prosecuted. In reply to that which the plaintiff has said respecting the adjustment of the claim I have to say that I have not seen him for the last year, it was impossible, therefore, that the demand could have been settled.

Dated the 27th June 1818.

To C. BULLER, Esq., W. O. SALMON, Esq., S. SWINTON, Esq.,
Members of the Board of Revenue.

GENTLEMEN,

I am directed by His Excellency the Most Noble the Governor General in Council to acknowledge the receipt of the following letters from you, and your acting Secretary's with their respective enclosures :—

	1 Dated 14th ultimo, Board's.
Board's and Acting Secretary's letter dated 14th ultimo respecting arrears due from Pergunnah Syedpore in Jessore.	1 Do. 14th „ Acting Secretary's.
	1 Do. 28th „ Board's.
	1 Do. 3rd „ Acting Secretary's.

2. The farmers of the Estate referred to in those letters appear to be bound to the Collector only in his capacity of Local Agent vested with the management of the Estate, the arrears in question being apparently balances due on account of the rents receivable by the abovenamed officer on account of the endowment, and not constituting arrears of the public revenue.

3. Under this conception of the case the Governor General in Council is of opinion that the Collector can legally exercise for the recovery of arrears due by the farmers no other powers than those vested in ordinary proprietors of malgoozary lands, and that consequently any sales which he may effect for the recovery of those arrears under the powers vested in Collector's for the realization of the public dues from sudder farmers would not be legal.

4. The Governor General in Council is further of opinion, that conformably with the principle of the provisions contained in Regulation 19 of 1810, the Local Agents ought not to exercise any further interference with the affairs of the Estate in question than is necessary to secure its prosperity and the due appropriation of the profits according to the intentions of the endower. His Lordship in Council would not therefore wish that the Estate should be continued under the immediate charge of the Collector and is of opinion that the management of it ought to be entrusted to the Ameen so long as that office shall be maintained, subject to such control on the part of the Local Agents as may be necessary for the above purposes.

5. If indeed as the Governor General in Council understands from your present correspondence there is now no Mutwalli, it will deserve the consideration of your Board whether it may not be proper to appoint one, and in that case, to vest with that character the present Ameen, of whom your Board appear to entertain a very favourable opinion.

6. The decision of those points will rest with your Board, but at all events the Governor General in Council is decidedly of opinion

that the immediate charge of the Estate should be vested in some individual as Manager on the part of the Institution, and not held by the Collector himself.

7. His Lordship in Council is the more of this opinion because as already intimated, it appears that the Collector has in his capacity of Manager been exercising powers in regard to sales for the recovery of the rents which properly belong to him as Collector, and can legally be exercised only for the realization of the public dues, and because it would further appear that the immediate management of the Estate on account of the Endowment must greatly interfere with the performance of the various other and most important duties to which the attention of the Collector ought more particularly to be directed.

8. The Governor General in Council is not prepared immediately to determine whether it will be practicable to afford the Collector of Jessore the aid of a covenanted assistant, and with the above impressions, he would not of course consider the proposed object a sufficient ground for doing so.

9. It appears from your Board's report that the funds of the Institution are already ample for every purpose of the Endowment. There would not, therefore, appear to exist any sufficient motive for wishing to draw from the Estate any large increase of rent, and the permanent prosperity of the Estate will probably be best secured by moderation of demand.

10. With the same view combined with the still more important object of securing the comforts and happiness of the ryots, and other inferior tenantry the Governor General in Council would wish that the Ameen or or other individual whom you may vest with the management of the Estate should be strongly impressed by your Board and the Local Agents with the propriety of granting pattahs to those persons on such terms, as without sacrificing the interests of the Endowment may appear best calculated to bestow stability on their tenures and thus to give to them an interest in the improvement of the Estate.

11. The Governor General in Council is doubtful whether this is a case in which any interference on the part of Government is required, or can properly be exercised. He presumes that the engagements of the farmer, are not confined solely to the Government jumma, and that the Collector granted the farm not in the strict capacity of a Revenue Officer but as a virtual Manager under the authority of the Court of Wards.

12. Under these circumstances the Governor General in Council is of opinion that the rules relating to sudder farmers under engagements for the public revenue are not applicable to the case, but that the Collector must be guided (under the instructions of your Board) by the provisions which relate to the proprietors of land and Managers appointed under Regulation 10 of 1793.

13. Government had already under consideration the expediency of explaining by a declaratory enactment the principle which guided its decision in the cases referred to by your Board and His Lordship in Council designs to take an early opportunity of doing so.

14. The original papers which accompanied the several letters under acknowledgment are returned enclosed, copies of such as have been deemed necessary having been kept for the records of Government.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Secretary to Government.

FORT WILLIAM,

The 7th August 1818.

SUDDER BOARD OF REVENUE.

TO GOVERNOR GENERAL IN COUNCIL.

MY LORD,

IN conformity with the orders of Your Lordship in Council conveyed in the 9th paragraph of Mr. Secretary Mackenzie's letter of the 11th of December last, we have the honour to submit our report on the petition of Wasiq Alee Khan.

2. The measures of which the petitioner complains have been adopted after the fullest investigation and they have in the different stages been reported to and approved of by Government, but with the view to preclude the necessity of reference to a very voluminous correspondence, we beg to submit the following succinct account of the proceedings of the Board referred to by the petitioner.

3. Pergunnah Syeedporellea in the district of Jessore was assigned by the late Hajee Muhammad Mohsin as an endowment for the support of a religious institution at the town of Hooghly and he constituted Rajab Alee Khan, the petitioner's father and Shakur Alee Khan, to be the managers of the Estates, and Superintendents of the establishment at Hooghly by a Deed of Trust (Towleutnamah) and not by a Deed of Gift (Habanamah) as the petitioner desires it to be considered.

4. The abuses which existed in the management of the Institution and in the appropriation of the funds attracted the attention of the Local Agents appointed under the provisions of Regulation XIX of 1810, and the Board were induced upon consideration of a report of the result of the investigation instituted by them to submit to Government a proposition for the better management of the Institution, and for ensuring a due appropriation of the funds in conformity with the intention of the Founder, which with some modification received the sanction of Government on the 6th of September 1815, and the appointment of Syed Akbar Alee Khan to the situation of Superintendent of the Endowment with suitable allowances was confirmed by Government on the 24th of November following.

5. Under this arrangement the Trustees under the original grant remained in charge of the several estates, it having been intended that the Superintendent should receive from them the surplus collection after discharging the revenues of Government and other charges authorized by the deed to be applied to the expenses of the Institution. But the general conduct of the Trustees and the mismanagement of the affairs of the Estates rendered it hopeless that a proper appropriation of the Funds should be effected under this system, indeed the appointment of a Superintendent and Controller became wholly nugatory. The Board were, therefore, compelled to commit the management of the lands as well as of the Institution, to officers nominated by the

Superintendent, who were instructed to pay the collections into the public Treasury at Jessore, the Collector having been desired to remit the surplus to Hooghly, for the expenses of the Institution. The heavy arrear, however, which had occurred during the management of the Trustees rendered a sequestration of the Estates for the public revenue subsequently necessary.

6. The Board still being reluctant to exclude the Trustees entirely and permanently, instructed the Collector afterwards to release them in charge of the Estates, provided they would consent to abide by certain conditions calculated to secure a more faithful discharge of the Trust.

7. The indulgence extended to them was so much abused and the conditions were so little observed, that early complaints were preferred. The affairs of the Estate, both with reference to public revenue and the maintenance of the Institution fell into such disorder that it became absolutely necessary again to divest the Trustees of the management and commit it wholly to the Superintendent.

8. The Collector, in the meantime, proceeded to investigate the actual state of the lands and the manner in which the affairs of the Estates had been conducted. The Trustees were proved to have committed extensive embezzlements of the funds of the Endowment, and the most unwarrantable and profligate expenditure was shown by the accounts and brought to light by the Collector, after an arduous and patient enquiry conducted with much ability.

9. Under these circumstances it would have been a dereliction of public duty and a total disregard of the provisions of the Regulation XIX of 1810, to have permitted the Trustees to continue to conduct the affairs of the Estates or to hold longer any principal share in the management of the Endowment. Indeed we were deterred from directing the Institution of a prosecution against them only by the probable expense of the process, which the impoverished state of the funds was not calculated to meet and by the better prospect that existed of obtaining restitution of any considerable portion of the embezzlement.

10. The Deed of Trust (a translation of which was submitted to Your Lordship in Council on the 14th of July last) limiting expressly, as well as by general instruction of the Mahomedan Law in all cases of Towleut the rights and privileges of the Mutwallis only during good conduct, and the long course of these persons in the very opposite extreme having been fully substantiated, they were finally divested of all official charge or concern but an allowance of 10 rupees each per mensem for their personal support was assigned to them.

11. In conclusion we beg leave to express our opinion that the petitioner has no legal claim to any office, place or emoluments in or from the Institution, the interests of which would not be likely to be maintained by the appointment of persons connected with the family of the old Mutwallis; indeed it should be considered that the allowance now made is a matter of grace and not of right.

12. Under the orders of Government dated 7th August last, Akbar Alee Khan was appointed by us Mutwalli of the establishment, we did not at that time consider it to be expedient to associate any other person with him in the office, as it was necessary that he should have the sole charge in order to effect a complete reform in the establishment; but as the intent of the Endower and the letter of the Towleutnamah require the appointment of two Mutwallis, we propose to select a proper person as a coadjutor to Akbar Alee Khan.

(Sd.) G. WARDE,
Secretary.

The 16th July 1819.

To RICHARD HUNTER, Esq.,

Secretary to the Board of Revenue, Fort William.

SIR,

WE have the honour to acknowledge the receipt of Mr. Secretary Ward's letter, dated the 5th of December, with a copy of a petition of plaint presented to the Judge of Hooghly by Wasik Alee Khan, claiming from the Imambarah S. Rs. 7,850-6-19 on account of a sum said to have been lent by his father Rajub Alee Khan in 1212 to the late Hajee Moshin, the proprietor of the Estates and Endower of the Institution.

2nd.—We called on the Mutwalli for his report on the case, a copy of which accompanies this letter, and the Board will perceive, he is of opinion that the validity of the Bond on which the debt is claimed is doubtful, and that no reliance can be placed on the accounts found in the Imambarah Sheristah, in which mention is made of the transactions in question.

3rd.—We have inspected these accounts and will transmit an extract from, together with a translation of such parts as would appear to refer to the case under review. We also called on Wasik Alee to attend himself or by Mukhtear, and to produce the Bond and his account of the sums due.

4th.—On the 10th instant his Mukhtear appeared with the original Bond dated the 1st Phagoon 1212 for S. Rs. 14,801 and on the back of it Rs. 11,000 are stated to have been received in payment.

5th.—This document bears the seal, but has not the signature of the late Hajee, the Mukhtear, however states that the word **الْعَبْدُ** (the slave) placed over the Hajee's seal was written by him.

6th.—After attentively considering the case, we are of opinion that for following reasons it will be advisable to leave the petitioner to recover what may be due to him by preferring his claim through the Court.

7th.—First, there are doubts as to the validity of the document on which the claim is founded, these are not removed by the circumstance of the late Hajee's seal being affixed to it, as it was in the possession of the petitioner up to the 23rd July 1817 and a reference to the correspondence relating to the forgery of the Furd Allahaidie. will show that he and his confederates were capable of making an improper use of it.

Second, admitting that the sum mentioned in the Bond was really lent to the late Hajee, we still think it highly improbable that it should not ere this have been repaid or that no claim should until now have been preferred. Rajab Alee Khan, the petitioner's father,

...to have the money, was appointed by the Hajee in 1218 to be Mutwalli, and on the Hajee's death in 1219 he, with Shaker Alee Khan, succeeded to the management of the whole of the property, in this situation he remained until his own death which occurred in 1223 and up to that date he with the other Manager had the entire control over the funds and also of the papers and accounts in the Sherishta, and we do not think it probable that he would have allowed the Estate to remain so long in his debt or that on paying himself he would have entered it in the accounts.

8th.—The papers of the Imambarah during the time it was under the management of the dismissed Mutwallis are in the greatest state of confusion, and if the present demand be acceded to, we doubt not, but that others of a similar description will be preferred. Wasik Alee Khan has never applied for redress either to the Local Agents or the Board, he, therefore, will have nothing to complain of, if he is left to seek it through the means of a regular suit.

9th.—It is on these grounds that we principally object to his being paid, but we think that if he prosecutes and the validity of the Bond, together with the correctness of the accounts, cannot be disproved, still the suit may be successfully defended on the grounds of illegal interest having made part of the S. Rs. 14,801 for which the

Vide Section 7. Regulation XVII of 1793.

Bond is said to have been given, the greater part of this sum appearing by the above accounts to be balances of former debts for which 24 per cent interest was charged.

10th.—The delay, which has occurred in transmitting this report, has been occasioned by the absence from Hooghly of Akbar Alee Khan on other business connected with the interests of the Endowment.

We are,

SIR,

Your most obedient servants,

(Sd.) ILLEGIBLE,

Local Agents.

HOOGHLY LOCAL AGENT'S OFFICE,

15th February 1821.

BOARD OF REVENUE.

The 27th February 1821.

Local Agents, Hooghly.

I am directed to acknowledge receipt of your letter of the 15th February accompanying a copy of the report of the Mutwalli on the plaint of Wasik Alee Khan.

2. As Wasik Alee Khan has instituted a suit in the Hooghly Dewani Adawlut against Government and Ali Akbar Khan, the Local Agents must in conjunction with the latter person defend the suit, and the expense ad interim of so doing must be for the present disbursed under the Board's authority by the Mutwalli.

3. Though not noticed by you the Board observe that Ali Akbar Khan in his answer points out that the Bond in question has no subscribing witnesses which circumstance should be pointedly insisted on in proof of its invalidity.

4. The Board consider the claim so wholly untenable and so indisputably unsusceptible of legal proof that they are inclined to believe, the suitor in reality, grounds his best hope of success on their declining to take the trouble to defend the action, and it is therefore probable that a well-drawn pleading answering his plaint will induce him to relinquish so hopeless a prosecution.

5. You will of course submit for the Board's approval a copy of the answer the Mutwalli under your directions may propose to file in the Dewani Adawlut of Zilla Hooghly in this suit.

BOARD OF REVENUE.

MISCELLANEOUS.

The 2nd March 1821.

Local Agents, Hooghly.

I am directed by the Board of Revenue to transmit to you the enclosed copy of a petition of plaint filed in the Provincial Court for the division of Calcutta by Wasik Alee Khan.

2. The Board request that you will prepare and transmit for the consideration of the Board, a draft of the answer you would propose to file in the suit, with reference to the correspondence which terminated in the removal of the late Mutwallis by order of Government and in communication with the present Mutwalli.

3. Together with the draft of your answer, you will be pleased to submit a report explanatory of the line of defence you propose to take and the reason for your preference of that line.

4. This petition of plaint was received some time since, but its transmission to you was omitted; the Board now learn that the Mutwalli has recently been called upon to file his answer within a month; it will, therefore be necessary to expedite the preparation of the reply on your part in order that it may be approved by the Board and ready to be filed by the day which the Court may have assigned for the hearing of the case; or should you be unable to effect this, you will move the Provincial Court through the Vakeel of Government to allow the postponement of the hearing of the case another month to afford time for the preparation of the defence on your part.

To R. HUNTER, Esq.,

Secretary to the Board of Revenue, Fort William.

SIR,

I beg you will lay before the Board of Revenue the accompanying copy of a petition of plaint that has been filed in the Court of Appeal for the division of Calcutta by Wasiq Alee Khan for the recovery of a share in the Towleut of the 4 annas of Syedpore amounting to S. Rs. 5,935-8-0 received from the Company's Vakeel and I have to request the Board's authority for filing the proper reply on the part of Government.

I am,

SIR,

Your most obedient seryant,

(Sd.) ILLEGIBLE,

Collector.

ZILLAH JESSORE, COLLECTOR'S OFFICE,

The 5th March 1821.

To R. HUNTER, Esq.,

Secretary to the Board of Revenue, Fort William.

SIR,

I have the honour to acknowledge the receipt of the Board's orders communicated in the late Secretary's letter of the 12th January last desiring me to submit my sentiments on the question of dividing the Trust Estate into putnee talooks selling them on conditions of talooks in the district of Burdwan.

2nd.—I am not aware that any objection exists against adopting the arrangement proposed, on the contrary, I am of opinion that the arrangement will in every way be desirable as it will not only add considerably to the funds of the Institution and secure a punctual realization of the revenue but be beneficial to the Estate. I should be inclined, therefore, strongly to recommend the adoption of the plan at as early a period as may be practicable.

3rd.—In regard to the details of the arrangement I beg to state that it appears to me advisable that the Estate should be divided into small portions with the view that the Talookdars of the Pergunah may be allowed the opportunity of becoming the Putneedars.

4th.—The following are the only rules that occur to me to propose for the details of the arrangement of disposing of the Estate by putnee.

- (1) The Estate to be divided into talooks of moderate size of a jumma not exceeding 2,000 rupees.
- (2) To assess a jumma on such talooks the collections of the past year to form the basis and such increase to be added as with reference to the extent of the lands and capabilities may appear fair and just.
- (3) That the division to be formed shall consist of entire villages and that the lots be put up without any specification of the quantity of lands comprized in them.
- (4) That the intended sale of the Putnee taluks be advertised and intending purchasers referred to the cutchery of the Mutwalli for any information they may wish to obtain in regard to the resources and extent of the talooks.
- (5) That the sale of the talooks take place in the office of the Collector and that the purchasers receive a bill-of-sale signed by the Collector and Mutwalli.
- (6) That the revenue payable by the Putneedars be paid into the cutchery of the Mutwalli.

- (7) That the Mutwalli and Putneedars referred to Regulation 8 of 1819 in regard to the validity of the tenures and their relative rights and the process for the sale of putnee talooks in satisfaction of demand of rent.

5th.—I propose the division of the Estate into small talooks that the Talukdars of the pergunnah may become the Putneedars and the Board, will, I hope, concur with me in opinion that it will be better that these people should have the Estate in preference to strangers when I recommend that the talooks should be parcelled out of jumma not above 2,000 rupees. I mean that this should be done in all practicable cases but as I have proposed the talooks to consist of entire villages, one or two may be found of large extent.

6th—In regard to the jumma to be affixed on the talooks I would recommend a fair and easy assessment; I believe, however, that many talooks, especially those situated on the borders of the Sunderbans will bear an increase beyond the jumma of the past year. The Talukdars, by having a permanent interest in the lands, will, of course, exert themselves, in bringing into cultivation lands that have hitherto been allowed to remain waste, and as I learn from the mofassil officers of the Estate that there is a considerable quantity of land that hitherto has never been brought into a productive state, though capable of cultivation, it will be but proper to add a trifling increase on the jumma of those talooks in which such land may be known to be in existence.

7th—In respect to not specifying the quantity of lands comprised in each lot, I beg to state that I propose this to prevent any confusion that might arise from complaints of purchasers not obtaining the full quantity of land guaranteed to them by sale. If the talooks consist of entire villages, no confusion can possibly arise, the land appertaining to every village is known, and possession can easily be obtained.

8th—I am not aware that any further remarks on the subject are necessary, I only beg to add that I have just received a petition by Dawk from Hurry Mohon Takoor in which he offers to take the Trust Estate on the following conditions, viz., to pay down a lakh of rupees as the purchase and a revenue equal to the average amount that may have been realized during the last three years. I beg to submit a copy of the petition for the information of the Board; the proposition, however, is one that I would not recommend being accepted, as I am of opinion that the putnee system will be more advantageous both to the Estate and Institution.

9th—If Government should determine upon letting the Estate out by putnee talooks, I will prepare and forward to the Board a statement agreeably to form submitted by the Superintendent, and received with your letter of the 26th January last in which shall be detailed

the Estate divided into villages in the manner in which I would recommend their being sold.

I am,

SIR,

Your most obedient servant,

(Sd.) J. P. WARD,

Collector.

ZILLAH JESSORE, COLLECTOR'S OFFICE.

The 9th March 1821.

-To J. P. WARD, Esq.,

Collector of Jessore.

The humble petition of Hurry
Mohon Tagore of Calcutta,

Humbly sheweth :—

That upon the death of Monnojan Begum, the four-anna share of the zemindary of the said late Monnojan Begum in the Pergunnah Syedpore, etc., in the zillah of Jessore descended, and come to one Meah Munsuff on whose behalf Shakir Alee Khan and Rujab Alee Khan acted as Mutwallis or Agents.

That a person of the name of Bunda Alee, set up a title to the said zemindary and prosecuted the said Meah Munsuff, together with his Mutwallis or Agents, for the recovery of the possession thereof, which said cause has been heard and determined in favour of the said Meah Munsuff in the Zillah Court and the Court of Appeal for the division of Calcutta, and ultimately in the Sudder Dewany Adawlut and that the said Bunda Alee has appealed against such decision to His Most Gracious Majesty in his Most Honourable Privy Council.

That upon the death of the said appellant and respondents the Government took the possession and management of the said Estate and appointed their Agents to receive the rent thereof.

That your petitioner, has been lately informed that it is the intention of Government to let out the zemindary as putnee talook.

That your petitioner is desirous and hereby offers to take the said talook upon the following conditions, that is to say, your petitioner hereby offers to give to the Institution a Nazaranah of one lakh of rupees, and pay the annual jumma or revenue by monthly instalments in the manner as the same have been fixed and settled by Government on the decennial settlement, and also to pay an annuity for the Imambarah expenses in manner following (that is to say) whatever the average of the gross collection of the last three years after deducting thereout 15 per cent. for the expenses of the collection and the interest on the Nazaranah being 6,000 rupees, and after paying therefrom the Government revenue, but should the decree of the Sudder Dewani Adawlut be reversed by His Most Gracious Majesty in His

Most Honourable Private Council, then your petitioner shall relinquish the possession of the said zemindary upon the Nazaranah being refunded to your petitioner without interest, your petitioner to be allowed to set off the profits which he may then have received against the said interest and that no account to be taken for the same from your petitioner, but should the decree be confirmed, then your petitioner to be put into the permanent and undisturbed possession of the zemindary.

That your petitioner humbly represents that should the revenue be committed to his individual management, the dues of Government will be realized with much more punctuality and with far less trouble and expense of establishment than if parcelled out among a number of individuals, and moreover if they should fail to fulfil their engagements to pay the revenue, it will be necessary to sell the same and dispossess the individual, and the new purchaser of the talooks will not be liable to return the talooks, in case the decree of the Suder Dewani Adawlut be reversed by His Majesty in Council, whereas the above-mentioned Nazaranah offered to be deposited by your petitioner will become a security for the due performance of the orders of Government when the decision of His Majesty in Council shall be known.

Your petitioner, therefore, humbly prays, Your Honour will be pleased to take your petitioner's proposal into your most favourable consideration.

(Sd.) HURRY MOHON TAGORE.

BOARD OF REVENUE,
MISCELLANEOUS.

March 16th 1821.

Collector of Jessore.

I am directed to acknowledged the receipt of your letter of the 5th March and to inform you that the Board desire you will move the Court through the Vakeel on the part of Government to comply with the provisions of Section 3, Regulation II of 1814.

After the receipt of the prescribed Notification from the Court the necessary instructions will be sent to you.

BOARD OF REVENUE,

MISCELLANEOUS.

23rd March 1821.

To

Collector of Jessore.

I am directed to acknowledge the receipt of your letter and its enclosure of the 9th instant on the subject of the proposed settlement of the Trust Estate. The Board propose to submit their sentiments to Government and in the meantime that no delay may be incurred they desire that you will proceed in concert with the Mutwalli and his officers to prepare and submit the statement alluded to in the concluding paragraph of your letter.

To R. HUNTER, Esq.,

Secretary to the Board of Revenue,
Fort William.

SIR,

WE have the honour to enclose a draft for the Board's approval of the answer we propose to file in the suit instituted by Wasik Alee Khan in the Court of Appeal at Calcutta claiming the Mutwalliship of the Imambarah at Hooghly.

2nd.—We are of opinion that Section XIV Regulation XIX of 1810 vests the Board of Revenue with the exclusive authority of removing and appointing the Superintendents and Managers of Endowments of the nature set forth in the above Regulation, and the Courts of Justice do not appear to us to have any manner of control over such appointments. The option allowed to individuals to sue in the Courts being precisely stated in Section XV to be "with respect to the appropriation of any land or building", etc., or for compensation in damages for any loss; we have, therefore, only drawn up a concise answer questioning the Court's jurisdiction, and stating that if it considers itself competent to proceed in the suit, we will then bring forward the particular requisite for defending the same in the rejoinder.

3rd.—This answer we propose to send to the Government Vakeel with an order to move the Court to hold a proceeding and record their opinion (on the answer being filed) as to the necessity of our further defending the suit or not. Should the Court maintain its jurisdiction on the Government Vakeel informing us of the same, we will prepare the rejoinder with due explanations, which does not appear to us to be necessary in the present state of the case.

We are,

SIR,

Your most obedient servants.

(Sd.) ILLEGIBLE,

Local Agents.

HOOGHLY LOCAL AGENT'S OFFICE,

The 6th April 1821.

WASIK ALLY KHAN, petitioner.

To R. HUNTER, Esq.,

Secretary to the Board of Revenue,

Fort William.

SIR.

WE have the honour to acknowledge the receipt of your letter dated the 21st ultimo covering a petition from the above named person for our report.

2nd.—The nature of the Mosherah petitioned for will ~~be~~ seen by a reference to the correspondence noted in the margin, it is defrayed from the ~~4~~ths share directed by the Towleut of the Founder to be set apart for the payment of pensions.

7th par. Local Agent's letter dated 15th August 1817.

6th par. Board's reply dated the 29th August 1817.

3rd.—The Board's orders above-mentioned regarding the continuance of the pension have never been suspended but by referring to our proceedings of the 9th of January last herewith returned, it will be seen that the petitioner claimed arrears of his pension from Bhadoon 1220 to Cartick 1222 amounting to S.Rs. 2,700 which he had already received at Jessore. This fact we ascertained by referring to the accounts transmitted to the Board with Mr. Tucker's letter dated the 13th of August 1817, by which it would appear that Wasik Alee Khan received in those two years S.Rs. 2,827-12 being an excess of Rs. 127 beyond his due.

4th.—A reference to the correspondence relating to the Imambarah will clearly show the character of Wasik Alee Khan and what degree of reliance should be placed in his assertions.

We are,

SIR,

Your most obedient servants,

(Sd.) ILLEGIBLE,

Local Agents.

HOOGHLY LOCAL AGENT'S OFFICE,

16th April 1821.

BOARD OF REVENUE,

MISCELLANEOUS.

1st May 1821.

Local Agents, Hooghly.

GENTLEMEN,

I am directed to acknowledge the receipt of your two letters of the 16th and 23rd ultimo with their respective enclosures and to transmit copies of three Resolutions of the Board containing their sentiments with respect to the course of defence deemed by them necessary to be pursued in the suits instituted in the Provincial and Zillah Courts by Wasik Alee Khan, and by Mohammad Hussain and you will, as therein directed, be pleased to prepare and file your answers.

2. Under the circumstances of the case the Board do not consider the petition of Hosain Alee deserving of further attention.

3. In reply to paragraph 4 of your letter of the 23rd ultimo the Board observe that neither you nor the Mutwalli are answerable for claims made by fraudulent suitors. The funds of the Estate are answerable but it becomes incumbent on you and the Mutwalli as well as this Board to lend your wisdom and industry to defend such suits and to protect the institution, otherwise Regulation XIX of 1810 would become a dead letter.

4. You may move the Court to be excluded as defendants but as Local Agents you must take all the trouble of seeing that justice is done to the interests of the Estate concerned in the prosecution.

5. The Board admit that as far as the revenue interests of Government are at stake there can be no necessity for your being defendants in these suits, but the dignity of the Government is concerned that the benevolent intentions of Regulation XIX of 1810 should be upheld and supported.

6. In regard to the doubts expressed in the 11th paragraph of your letter of the 23rd ultimo the Board desire you will point out (if you think it necessary) in what they consist and in answer, you will be furnished with instructions but you will confine yourselves to existing cases and emergencies that have arisen and not solicit the Board's sentiments on speculative or supposed cases.

7. As long as impartiality, equity and good conscience regulate the proceedings of a public officer a very moderate degree of judgment will be sufficient for the purposes of right and substantial justice, and therefore, the Board are confident that when you exercise a sound discretion, the cases which usually come before you cannot be better provided for than by the determination you will form.

In conclusion the Board confidently expect you will examine the accounts with a view to assure yourselves that they are faithful and correct, and where any items excite a doubt you will, of course, make full enquiry until you are satisfied.

WASIQ ALEE KHAN.

To R. HUNTER, Esq.,

Secretary to the Board of Revenue,

Fort William.

SIR,

IN conformity to the instructions of the Board contained in your letter of the 16th March last the necessary measures were adopted to move the Court of Appeal to comply with the provisions of Section 3, Regulation 2 of 1814, in regard to the petition of plaint of the above-named in reply to which I beg leave to enclose a copy of a Proceeding received from that Court dated the 12th instant through this Zilla Court by which you will perceive that the Provincial Court had previously submitted the petition in question to the Board and received authority to investigate the suit, therefore I now request to know in what manner the answer on the part of Government is to be filed.

I am,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE.

ZILLAH JESSORE, COLLECTOR'S OFFICE,

The 29th May 1821.

WASICK ALLY KHAN.

BOARD OF REVENUE.

MISCELLANEOUS.

1st June 1821.

Acting Collector of Jessore.

I am directed to acknowledge the receipt of your letter of the 29th ultimo with its enclosure and to forward to you for your information and guidance the accompanying copy of the Board's Rubookary in the suit abovenamed which was transmitted to the Local Agents at Hooghly and to desire that you will leave the conduct of the defence to those officers.

SUDDER BOARD OF REVENUE

MISCELLANEOUS.

March 2nd, 1829.

No. 1029.

W. BRADDON, Esq.,
Commissioner of Revenue,
Burdwan Division.

SIR,

I am directed by the Sudder Board of Revenue to transmit to you the accompanying copies of a Purwanah issued under the orders of the late Board of Revenue for the Lower Provinces to Syed Akbar Alee Khan, the Mutwalli of the Hooghly Imambarah, and of the Mutwalli's reply.

2. As it appears Syed Akbar Alee Khan is no longer desirous of relinquishing the Trust, and as the Board have great reason to question the accuracy of the accounts rendered by him, they are of opinion it will be necessary to go into such investigation in regard to the alleged misapplication of the funds of the Endowment as will enable them to determine on the fitness or otherwise of the present Mutwalli to be continued in charge of the Imambarah.

3. I am directed to inform you that it is alleged that considerable sums have been charged in the Mutwalli's accounts twice over, or which have not been expended for the purposes therein stated.

4. The purpose of the present communication to you is that you should instruct the Local Agents to call on Syed Akbar Alee Khan to give security to the amount of Rs. 10,000 to make good any demands that may be established against him, or in failure thereof the Board consider that it will be expedient to place some other individual in charge of the Endowment until a final decision shall be passed on the points requiring investigation.

5. If Akbar Alee Khan should object to give the security above-mentioned, the Sudder Board request that in conjunction with the Local Agents you will enquire and report to them on whom it will be advisable to confer this trust pending the proposed enquiries which should be conducted under your immediate direction.

6. The accounts of the Trust property which will furnish the particulars that require examination, and explanation and the correspondence and other papers belonging to the subject, will be hereafter forwarded to you.

I have, etc.,

(Sd.) ILLEGIBLE.

SYEDPUR ENDOWMENT.

A minute of the 3rd Member,

23rd March 1829.

The further consideration of this case was suspended until the receipt of the answer to the Purwanah issued to Syed Akbar Alea Khan, the Mutwalli of the Syedpur Endowment, to ascertain his wishes or intentions in regard to his proposed resignation of that Trust.

From the answer which has been received to that Purwanah furnished by the Local Agent at Hooghly it appears that in consequence of the lateness of the season he has relinquished his intention of proceeding to Mecca and proposes to continue the superintendence of that Endowment to which he was appointed at the desire of Government and vested with the general control and patronage thereof in August 1818.

It appears that from that period or rather from the year 1815, when Syed Akbar Alea Khan was first appointed to the superintendence of the Endowment in capacity of Ameen, he has continued in the management of this establishment to the present period without any specific charge of misconduct or abuse of trust having been preferred against him by any individual connected with the establishment which would not probably been the case, had any gross malversation been practised, or had any individual been aggrieved by any act of his administration of the Trust.

It appears moreover that previously to his appointment to the situation he now holds he had been employed for many years in various offices of considerable trust and responsibility under different public officers of Government in the Western Provinces, and possesses numerous testimonials of good character from the several European public functionaries under whom he has served, from which it appears that in every situation he has discharged his duties with zeal and fidelity and has on some occasions rendered very important public services. In the consideration, therefore, of any matter now before us, and in the absence of any clear and incontestible proof of misconduct or abuse of trust, he is I think entitled to the benefit of that character for integrity which he has established by a long course of faithful public services and which it is not I think possible, that at his present advanced period of life he would depart from and incur the risk of dismissal and disgrace by conduct inconsistent with his duty and with the faithful discharge of the trust reposed in him.

Nevertheless, the Collector of Jessore has undoubtedly brought to notice discrepancies and errors in the accounts of the establishment furnished by the Mutwalli which at an earlier period, it might have been proper to enquire into. Those accounts, however, involve a detail of disbursements for a series of years since the year 1822 which

could only have been satisfactorily investigated at the time or determined at the close of each year; but after such a lapse of time, it appears to me to be a most unprofitable and hopeless undertaking and a waste of time either for the Sudder Board or the Local Commissioner to go into a minute examination of those voluminous accounts.

Still less should I consider it necessary at the present period to occupy the time of the public authorities by an enquiry into the mode in which the collections of the revenues of the Estate were managed by the Mutwalli previously to the period at which by orders of Government it was disposed of in putnee talooks in 1229 since which period the Mutwalli has had no concern with the collections, which have been managed entirely by the Collector of Jessore and his native amlah.

I am of opinion that it was not intended by the provisions of Regulation XIX of 1810, that the Local Agents or controlling revenue authorities should exercise any interference with the management of such endowment, further than may be necessary to permit the appropriation of the funds contrary to the intent of the donor; and to see generally that the Trust is faithfully administered. I would therefore, propose the accounts and papers in this case be furnished to the local Commissioner not with a view to any further investigation into the accounts of passed years or into any alleged irregularity of conduct at the period (six years ago) when the Mutwalli had the immediate charge of the Syedpur Estate; but in order that the Commissioner may adopt such measures as he may judge proper under the provisions contained in the lithographed circular instructions with which he has been furnished to guard against any future error or mismanagement in the discharge of this Trust. For this purpose I would recommend that the following rules be observed in future in regard to the accounts to be rendered by the Mutwalli and the disbursements, which may be made by him.

1. The Mutwalli should be required to restrict the disbursements to the amount of the net proceeds of the endowed lands and the shares applicable to the purposes specified in the Towleutnamah should be regulated according thereto.

2. The Mutwalli should not be allowed to contract debts or loan from individuals without the sanction of the Commissioner to be obtained through the Local Agent to whom he should apply whenever funds may be required for the purposes of the Endowment, such funds than to be supplied from any surplus proceeds of the Endowed lands at Jessore; or in cases of emergency by an advance from the public treasury in anticipation thereof; to which, however, the sanction of the Sudder Board must be obtained.

3. That the Mutwalli be required to obtain the sanction of the Local Agent to any contingent disbursement exceeding 1,000 rupees and that in cases of any requisite repairs of buildings or such like, an estimate be furnished of the probable expense.

4. That the Mutwalli be required to furnish a list of all fixed servants and pensioners now belonging to the establishment with a specification of their salaries or pensions.

5. That he be also required to furnish a statement of all outstanding debts or loans which have not yet been liquidated.

6. That the 1/4th share of the net proceeds which by the Towleutnamah was allotted for the support of the Mutwalli who was appointed to manage the endowed lands at Jessore and which appointment has been discontinued since the sale of the lands in putnee talooks, be hereafter applied for liquidation of such loans or outstanding debts.

7. That the Collector of Jessore furnish every six months to the Local Agent at Hooghly a Jumma Khurtoh account of the surplus receipts of the Estate in deposit after payment of the public revenues, in order that the Local Agent may be able to judge how far the funds of the Endowment may admit of his sanctioning advances which may be applied for by the Mutwalli.

8. That a revised and less detailed form of accounts of receipts and disbursements approved by the Local Commissioner be furnished through the Local Agent to the Mutwalli in which the disbursements under the different portions specified in the Towleutnamah should be separately entered and any deviation in entering the items of disbursements under heads to which they do not belong, should be explained by the Mutwalli.

9. All loans contracted and payments made in liquidation thereof should be specified distinctly from other items of receipts and disbursements.

10. That the accounts of the Mutwalli be furnished to the Local Agent six monthly or annually as the local Commissioner may deem advisable: that they may be examined and either passed or corrected without delay.

11. The observance of the foregoing rules will, I think, obviate all further difficulties and sufficiently provide for the due administration of this Trust, and I propose that a communication to the effect stated in the foregoing observations and suggestions be addressed to the Local Commissioner with a request that he will cause the Mutwalli to be made acquainted with the purport thereof by the Local Agent.

It may hereafter be proper to submit for the information and approval of Government a copy of the enclosures we may issue to the Local Commissioner.

(Sd.) ILLEGIBLE.

TO F. HAWKINS, ESQ., JAMES PATTLE, ESQ., AND WILLIAM BLUNT, ESQ.,
Members of the Sudder Board of Revenue.

GENTLEMEN,

I have the honour to acknowledge the receipt of your Secretary's letter No. 1029, dated the 2nd instant, and to acquaint you that Messrs. Mackintosh & Co. (copy of whose letter to Mr. Belli, accompanies) have proposed to become security to the amount of Rs. 10,000 to make good any demands that may be established against Syed Alee Akbar Khan.

2. Under the provisions of Regulation 9 of 1819 the security of persons residing in the city of Calcutta would not be received in a moffassil Court of Judicature unless they possessed property out of Calcutta, but as I am not aware of the practice of the Board on such occasions, for whose consideration and final orders the investigation which is to take place is to be submitted, I have not deemed it proper to accept the security of those gentlemen without the sanction of the Board, whose instructions I accordingly solicit for my guidance.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) W. BRADDON,

Commissioner of Revenue.

OFFICE OF COMMISSIONER OF REVENUE,

ZILLA BURDWAN,

The 25th March 1829.

W. H. BELL, ESQ.,

Collector and Local Agent, Hooghly.

SIR,

THE Nawab Syed Akbar Alee Khan, Taba Tubeer Mutwalli of the Imambarrah of Sulahuddin Mohamed Khan having been called upon by you at the instance of Mr. Braddon, Commissioner of Revenue, to furnish security to the extent of ten thousand rupees to make good any demands that may be established against him upon an examination of the accounts he has delivered in, we beg at the request of the Mutwalli to tender ourselves as his security to that amount accordingly.

We are, etc.,

(Sd.) MACKINTOSH AND CO.

CALCUTTA,

The 17th March 1829.

SUDDER BOARD OF REVENUE.

No. 1530.

March 31st 1829.

To

The Commissioner of Revenue, Burdwan Division.

SIR,

I am directed by the Sudder Board to forward to you a copy of their resolutions under date the 23rd instant together with the original papers and accounts therein referred to relating to the Sydepore Endowment.

2. The case having been finally disposed of by the Sudder Board it will no longer be necessary to require from the Mutwalli the security which by the orders of the Board of 2nd instant he was desired to furnish.

3. The Sudder Board request you will give effect to the rules which they have prepared with a view to secure the due administration of this Trust in future, and likewise to obviate the necessity of any loans being hereafter made by the Mutwalli to meet the current disbursements of the Endowment.

4. I am further desired to transmit for your information a copy of a letter addressed to the Commissioner of Alipore, and the Board are of opinion that there will be no objection to authorize such occasional disbursements from the Treasury of the Collector of Hooghly as may be necessary for the current expenses of the Mutwalli not exceeding the amount of surplus receipts of the Sydepore Estate to be remitted from Jessore.

No. 1529.

To

The Commissioner of Revenue,

Alipore.

Sir,

I am directed by the Sudder Board to request that you will instruct the Collector of Jessore to adopt arrangements in concert with the Collector of Hooghly for the regular remittance of the surplus proceeds of the Syedpore Estate to meet the current expenses of the Imambarah at Hooghly. The amount of such surplus receipts being payable to the Mutwalli of that Endowment, on his application to the Collector of Hooghly countersigned by the Local Agent.

March 31st, 1829.

TO WILLIAM BRADDON, Esq.,

Commissioner of Revenue, Burdwan.

SIR,

In conformity with your instructions of the 4th ultimo, we called upon the Mutwalli for the information required by the fourth and fifth division of the 9th rule of the Minute.

2nd.—He has submitted the detailed list of the pensioners and officers of the establishment, a translated copy of which we annex. He, at the same time, submits the following points for your consideration. He observes that there are no debts of the nature contemplated in the 6th rule which, it is therein prescribed shall be discharged out of the 1/3th share, the amount of salary set aside for one Mutwalli when two were maintained. He adds that the Board of Revenue permitted him to receive the whole sum, after he was appointed to the superintendency. He also suggests that if he was allowed to realize the revenues from the Putneedars, he would be able to bring the provisions of Regulation XIX of 1810, and Regulation VIII of 1819, more promptly into effect and at the same time relieve the Collector considerably.

3rd.—He has likewise given in, on stamp, a petition to the following purport, on which your instructions are requested :—

- (1). That the appeal to the King in Council has been dismissed, consequently, that the Mutwalli is not now to be disturbed, or the putnee tenures ; therefore, the interest on 5,79,120 rupees, the bonus paid down is available for the expenditure of the Endowment, and he entreats to be allowed to employ it accordingly.
- (2). That in furnishing security to the Courts, he is greatly troubled from being a stranger in these parts ; he solicits, therefore, that he may be put in this matter upon an equality with Government since there can be no apprehension for the costs in any suit that he may be cast, in his capacity of Mutwalli, the resources of the endowed property being always more than adequate.
- (3). That on the 30th October 1821 he made a report respecting the property not embraced by the Deed of Endowment (and therefore an escheat) regarding the disposal of which he waits the pleasure of Government.

4th.—This report is not to be found ; there is perhaps some mistake, but the property alluded to is the following :—

Khezerpore, Zillah 24 Pergunnahs.

		Rs.	A.	G.	C.
Sudder Jumma	...	840	3	9	3
Mofassil produce	...	2,112	12	12	0
Cantagunge (lakheraj, Zilla Nuddea, annual produce) ...	...	619	10	19	2
Bang Baloor (do.)	...	32	0	0	0
Emamnagore (do.) Zilla Murshidabad	...	42	0	0	0
Sona Dangah (do.) Burdwan	...	7	0	0	0
A plot of lakhiraj ground situated in Chinsurah, Zillah Hooghly	...	12	0	0	0
Sicca Rupees ...		2,825	7	11	2

We have, etc.,

(Sd.) W. H. BELLIE,

W. S. ALEXANDER,

Local Agents.

HOOGLY LOCAL AGENT'S OFFICE,

The 26th August, 1829.

To the Sudder Board of Revenue, Fort William.

GENTLEMEN,

I have the honour to transmit, for your information and orders copies of a letter from the Local Agents at Hooghly, dated the 26th ultimo, and of two petitions from the Mutwalli of the Syedpore Endowment which accompanied it.

2nd.—Your Board, in the 6th clause of paragraph 9 of your Resolution, dated the 23rd of March (copy of which was transmitted to me with Mr. Junior Secretary Bushby's letter of the 31st of March last) directed that the one ninth share of the net proceeds which by the Towleutnamah was allotted for the support of the Mutwalli, who was appointed to manage the endowed lands at Jessore, and which appointment has been discontinued since the sale of the lands in putnee talooks, be, hereafter, appropriated in liquidation of (such) loans or outstanding balances.

Vide C 5th.

3rd.—Akber Alee Khan represents, that there are no debts to be liquidated, and that upon the abolition of the office of second Mutwalli, the late Board authorized his (Akber Alee Khan's) receiving the proceeds of the share in question, in addition to the one-ninth which he was previously in receipt of; I, therefore, solicit the instructions of your Board respecting the future disposal of it.

4th.—Akber Alee Khan is also desirous of being authorized to make the collections from the Putneedars, and if your Board deem a compliance with his request objectionable, I beg to suggest that the Collector of Jessore be instructed to invariably proceed, under the provisions of Regulation 8 of 1819, against the Putnee Taluqdars, who may fail to discharge their rents with punctuality, as any delay in the regular remittance of the surplus proceeds of the Estate, to meet the current expenses of the Imambarah at Hooghly is productive of much inconvenience.

5th.—I conclude the interest (now in deposit, as well as what may become payable, from time to time, in future) on the amount of the purchase monies, paid by the several Putnee Talookdars is properly available in furtherance of the objects of the Endowment.

6th.—It is stated by Akbar Alee, that owing to his being a stranger in these parts he experiences a good deal of difficulty in furnishing security for costs of suit, in cases in which, in his capacity of Mutwalli he happens to be a party, and in this respect he wishes to be put on an equality with the Government. It rests with your Board to determine whether there is any sufficient grounds for

complying with his request, and authorizing the Local Agents to become security on such occasions.

7th.—With regard to the property not included in the Dowleutnamah, the Mutwalli states, that the late Board in the year 1818, authorized his retaining possession of it. The orders and correspondence which passed on the subject, are not to be found in the office of the Local Agents and I, therefore, beg to refer your Board for further information to the records of your own office.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) W. BRADDON,

Commissioner of Revenue.

Commissioner's Office, Burdwan,
or 20th Division, Zillah Hooghly.

22nd September 1829.

3rd November 1829.

The Commissioner of Burdwan.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter dated the 22nd of September and its enclosures, relative to certain representations submitted to the Local Agents at Hooghly by the Mutwalli of the Syedpore Trust Estate and in reply to communicate to you the following observations:—

2nd.—The Board see no reason to alter that part of their Resolution of the 23rd of March which limits the allowances of the Mutwalli to one of the shares that he had before enjoyed, the duties for which they were originally assigned by the Founder, having terminated.

The resumption of one-ninth share of the net proceeds.

3rd.—The Board are not prepared to vest Syed Akber Ale Khan with the charge of the mofassil collections, or to allow of any direct interference on his part with the Jessore Putneedars and in respect to the punctuality of the Collector I am directed to observe that if you will point out the instance in which he has appeared dilatory, the Board will duly notice it; but hitherto the Collector's exertions are considered to have been very praiseworthy.

The restoration of the Mutwalli to the management of the collections.

4th.—The Mutwalli is at liberty to suggest any special disbursements which it would be consistent with the intentions of the Founder of the Endowment to authorize from the available surplus, and the Board will give due consideration to any propositions of his to this effect that you may think proper to recommend; but in the meantime the resumed one-ninth share of the annual net proceeds from the Estates and the interest on the sums in the hands of the Government Agents, cannot be placed at the discretionary disposal of Syed Akbar Ale Khan.

The interest on the deposits and unappropriated funds of the Institution.

5th.—The Board consider it would be obviously objectionable to form any general arrangement for the liquidation of costs of suit or for expenses of law proceedings in which the Mutwalli may be engaged and that with reference to this part of his application, the Local Agents should inform him that whenever any cases of difficulty or embarrassment arise, he should specify the purpose and the security required that your opinion or authority may be consulted.

Security for costs of suit.

6th.—I am directed to subjoin for your information extracts from

*Property not included in the
Towleutnamah.

Board to Government, para-	}	1815.
graphs 6, 7 and 8.		4th August.
Government to Board, para-	}	6th September.
graph 7.		10th November.
Board to Government, para-	}	24th "
graphs 4 and 5.		
Government to Board, para-		
graph 3.		

the *correspondence with Govern-
ment in the year 1815, on the
subject of the lands excluded
from the bequest of Hajee
Muhammad Mohsin together with
an original report from the act-
ing Collector of the 24-Pergunnahs

dated the 15th of August 1816, on the claims of the Mutwalli to
certain villages dependant on Kidderpore, which he alleged had been
fraudulently and collusively alienated from the Hajee's family, and
the orders of the Board of Revenue in reply dated the 27th of the
same month.

7th.—From these papers it appears that it was considered at that
time inexpedient to disturb the parties in possession or to agitate
the subject of the supposed frauds any further.

I have, etc.,
(Sd.) G. K. B.

To Offg. W. W. BIRD, Esq., and offg. W. FANE, Esq.,
Sudder Board of Revenue.

GENTLEMEN,

I am directed by the Right Honourable the Governor General in Council to acknowledge the receipt of your letter, dated the 27th ultimo, with its enclosures, soliciting authority for an advance of Rs. 47,596 from the funds belonging the Hooghly Imambarah to enable the Mutwalli to effect the repairs and improvement proposed by him.

2. You seem to have lost sight of the fact that the funds from which you recommend that this grant should be made are not at present available for such purpose. You are aware that a suit to recover the Sydepore Estate is now in appeal before His Majesty in Council.

3. But it is necessary to remind you that when the whole Estate parcelled out into putnee talooks, was sold by the Collector for the aggregate sum of Rs. 5,84,973, it was resolved that the sale should be cancelled and the purchase-money returned to each individual purchaser in the event of the decision of His Majesty in Council being unfavourable to the right of the last zemindar, the new Talookdars having purchased their several tenures on a special understanding that such should be the arrangement.

4. Until, therefore, official intimation is received of the final determination of the appealed suit, the funds in question cannot be diverted from the purpose declared in the Resolution to the above effect.

5. Under these circumstances, it is unnecessary to discuss the merits of the plans prepared by Messrs. Burn & Co., though it may be incidentally observed for your information and guidance in the event of your resubmitting a similar application, that the design suggested, apparently partaking both of the European and Asiatic style of architecture, is by no means chaste or appropriate to the buildings for which it was intended.

6. The enclosures of your letter together with the plans and estimates which accompanied it are herewith returned.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd). W. H. MACNAGHTEN,

Offg. Deputy Secretary to the Government.

FORT WILLIAM,

The 18th May 1830.

To

THE RIGHT HONOURABLE LORD WILLIAM CAVENDISH BENTINCK, G.C.B.,
Governor General in Council,
Fort William.

MY LORD,

WE have the honour to acknowledge the receipt of the orders of your Lordship in Council, dated the 18th ultimo in answer to our address of the 27th April soliciting authority for an advance of Rs. 47,596 from the funds belonging to the Hooghly Imambarah, to enable the Mutwalli to carry into effect the plans submitted by him for the reconstruction of that edifice.

2nd—In reply we beg permission to state that we were fully aware of a suit having been instituted in appeal before His Majesty in Council for the recovery of the Syedpore Estate but we supposed the Government were aware that the suit had been dismissed and consequently that it could no longer be a bar to the appropriation of the funds in the way proposed. It was under this impression that we

Dated, London, St. James's
Court, 28th June 1828.

omitted to make any allusion to the decision which is herewith submitted for your Lordship's information.

3rd—In regard to the plan of the proposed edifice we beg to state that it did not appear to us to be any part of the Board's business to interfere with the design of the Mutwalli or of those employed by him, but that it was simply our duty to forward to Government the application of that individual for permission to expend from the funds of the establishment the amount solicited in the reconstruction of the edifice in question and eventually to secure its due appropriation.

We have the honour to be, with respects,

My Lord,

Your Lordship's most obedient very humble servants,

(Sd). ILLEGIBLE.

SUDDER BOARD OF REVENUE,

FORT WILLIAM,

The 8th June 1830.

P. S.—We solicit the return of the Original Decree herewith submitted.

To Offg. W. W. BIRD, Esq., AND W. FANE, Esq.,

Sudder Board of Revenue.

GENTLEMEN,

I am directed by the Governor General in Council to acknowledge the receipt of your letter dated the 8th ultimo, submitting a Decree of the King in Council on the Syedpore Estate.

2. Previously to furnishing you with any orders on your present reference, His Lordship in Council is desirous of being furnished with a statement of the receipts and disbursements of the fund and of the amount which now stands to the credit of the Endowment to be calculated from the month of August 1821, at which period it is understood that the talooks comprizing the endowed Estate were sold by public auction at the Collector's office. It is not desired by Government that these accounts should exhibit every minute article of expenditure but generally that they should shew the amount of the sums disbursed and the mode of their appropriation whether to the liquidation of the Government revenue, the celebration of festivals, the payment of pensions or to any other, and what purposes of a pious or useful character.

3. His Lordship in Council observes that by the will of the Founder, three-ninths of the net profits of the Endowment are to be appropriated to the celebration of ceremonies and the repair of edifices, two-ninths to the support of the Mutwallis therein named, and four-ninths to the maintenance of the establishment and of certain pensioners whose names are stated to be recorded.

4. It no where appears whether the present Mutwalli (Akbar Aleo) continues to receive the fixed allowance of 200 rupees per mensem assigned to him in 1815, or whether on his being appointed to the office of sole Mutwalli in 1819, he succeeded also to the enjoyment of the two-ninths of the net profits destined by the will of the Founder to be enjoyed by the two Mutwallis appointed by him. In the former case large sums must have accumulated for the disposal of which no provision was made by the Founder of the Endowment and it may also be assumed that great savings have been effected by the lapse of pensions.

5. The will does not appear to convey to the Mutwalli (whoever he may be) any power to increase the establishment, to augment the number of pensioners or to substitute others in lieu of those named by the Founder; still less did it contemplate the accumulation and disposal of so large a capital as has now been amassed in pursuance of the measures which the Government have deemed it advisable to adopt.

6. It is understood that the Mahomedan law strictly interpreted, forbids the appropriation of a larger sum to the repairs of the edifices of an endowment than may be absolutely necessary to preserve them in the state in which they were left by the Founder, and, from this circumstance as well as those above enumerated, it may confidently be anticipated that very considerable sums will remain to be appropriated to useful and charitable purposes at the discretion of Government in its guardian capacity, and in concert with the Mutwalli who now presides over the affairs of the Endowment.

7. The most obvious purpose to which the surplus could be applied, with reference alike to the perpetuation of the Founder's name and to the promotion of useful knowledge not entirely of a secular character, would be the establishment of a Madrassa, in which in the first instance, Mahomedan learning might alone be taught, but which at no distant period, it might be hoped, would willingly receive the solid advantages of European science. But on this and other subjects you will be furnished with a further communication on your supplying the information now called for.

8. The original document which accompanied your letter is herewith returned.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) W. H. MACNAGHTEN,

Offg. Deputy Secretary to the Government.

FORT WILLIAM,
The 6th July 1830.

No. 111.

Alipore Commissioner.

The 20th July 1830.

SIR,

I am directed by the Sudder Board of Revenue to request that you will call on the Collector of Jessore for a statement of the receipts and disbursements of the Syedpore Trust Estate from the period that the talooks comprising it were sold by public auction at his catchery.

2. It will be sufficient to show the annual amount of collections and the mode of their appropriation whether to the payment of the Government jumma or to remittances to the Endowment at Hooghly or to miscellaneous expenses at Jessore; and the Board are particularly desirous that the information may be furnished with the least possible delay.

(Sd.) ILLEGIBLE.

No. 28.

Commissioner of Burdwan.

The 20th July 1830.

SIR,

WITH reference to your letter dated the 18th April and its enclosures on the subject of repairing the Hooghly Imambarah, I am directed by the Sudder Board of Revenue to transmit for your information the subjoined extract of a letter from Government dated the 6th instant, and to request that you will call on the Local Agents at Hooghly to supply the accounts, and information thereby required. .

(Sd.) G. K. B.

No. 132.

To

The Government Agents.

The 20th July 1830.

GENTLEMEN,

I am directed to request that you will transmit at your earliest convenience for the information of the Sudder Board of Revenue and of Government a memorandum of the funds in your hands belonging to the Endowment at Hooghly founded by the late Hajee Muhammad Mohsin.

•
• . (Sd.) G. K. B.

No. 506.

To WILLIAM BRADDON, Esq.,

Commissioner of Revenue,

Burdwan.

SIR,

I have the honour to acknowledge the receipt of your letter No. 394 of the 18th instant, and now forward the decision of the Appeal Court dismissing the appeal of Wasik Alee Khan.

I am,

SIR,

Your most obedient servant,

(Sd.) W. H. BELLIE.

HOOGHLY COLLECTOR'S OFFICE,

The 29th May 1832.

No. 970.

Wasik Alee Khan

... Appellant,

versus

Government and the Local Agent of Hooghly ... Respondents.

For the recovery of the situation of co-Mutwalli of the Hooghly
Imambarah.

To

The Sudder Board of Revenue,
Fort William.

GENTLEMEN,

I have the honour to transmit two original letters from the Local Agent and Collector of Hooghly bearing dates the 29th of May and 27th of August last, with their respective enclosures, in the above cause.

2. This suit was originally instituted in the Dewani Adawlut of of Zillah Hooghly, and dismissed by the Judge, whose decision was upheld by the Calcutta Court of Appeal. But the appellant being still dissatisfied, preferred a special appeal to the Sudder Dewani Adawlut, which was admitted on the ground that the Futwas of the Law Officers of the Sudder Court called for by the Court of Appeal when the case was pending before that Tribunal and other learned men of the Madrassa, pronounced the deed executed by the late Muhammad Mohsin to be "Towlut Mal Wassehut," whereas the decisions of the Lower Courts were grounded upon the supposition that it was simply a Towlutnamah.

3. The draft of the answer proposed by Mr. Belli to be recorded on the occasion accompanies, and I have no alterations to suggest being made in it.

4. I cannot hesitate, however, to say that I think it matter of much regret that the acts of embezzlement and abuse of trust with which the Mutwallis were charged and their consequent disqualification to hold the situation, did not, at the time they were brought to notice, undergo a judicial investigation, instead of being summarily enquired into and reported by the Collector of Jessore to the late Board of Revenue. One of the principal charges against them, was for holding certain talooks pertaining to the Estate under fictitious names and in one instant Turuf Busundea and no other, I believe, has been brought into Court. Akbar Alee Khan, the present Mutwalli, ousted the person in possession of the Estate but upon that individual.

namely Turab Alee, bringing an action in the Provincial Court against the Collector of Jessore and Akbar Alee Khan, not a Scintilla of proof was adduced to establish the benamee transaction; on the contrary the sale of the talook by Muhammad Mushin to Turab Alee was proved, and a decree passed in his favour accordingly, awarding him possession of the talook together with Wassilut for the period of dispossession.

5. I request the return of the accompanying papers when no longer required by your Board.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) W. BRADDON,

Commissioner of Revenue.

Commissioner's Office, Burdwan, or 20th Division.

ZILLAH BURDWAN,

The 10th of November, 1832.

No. 1112.

To

The Sudder Board of Revenue,
Fort William.

GENTLEMEN, •.

I have the honour to submit to you that Akbar Alee Khan, the Mutwalli of the Imambarah at Hooghly informs me that under the instructions of the Collector of Jessore, he preferred an appeal to the Sudder Dewani Adawlut, against the decision passed by the Calcutta Court of Appeal in favour of Turab Alee in the suit adverted to in the 4th paragraph of my letter No. 970, dated 10th ultimo and that in consequence of his obtaining (after the date of the decision in question) certain documents in proof of the fictitious nature of the transaction, of the existence of which he was previously ignorant he entertains a confident hope of the case being reversed by the superior Court.

2. The aforesaid Turab Alee brought another suit under almost precisely similar circumstances, against the same parties in the Calcutta Court of Appeal for the recovery of possession of Pergunnah Sobnal but his claim was dismissed; he appealed the case however, and it is still pending in the Sudder Dewani Adawlut. though Akbar Alee Khan tells me that no answer has been filed by himself or the Collector of Jessore to the appellant's Wujooht, and moreover that the Estate has since been adjudged liable to resumption by Mr. Special Commissioner, Walpole.

3. I have requested Akbar Alee Khan to proceed to Calcutta to give your Board any further information which may be required of him.

I have the honour to be,

GENTLEMEN,

Your most obedient servant.

(Sd.) W. BRADDON,

Commissioner's office, Burdwan or 20th Division.

ZILLAH HOOGHLY,
10th December 1832.

No. 29.

The 12th February 1833.

Secretary to Government.

SIR,

I am directed by the Sudder Board of Revenue to submit for the consideration and orders of the Right Honourable the Governor-General in Council the accompanying minutes which have been recorded by the Members in the case noted in the margin,* now pending before the Court of Sudder Dewani Adawlut.

2nd—The Persian papers connected with the case are laid before the Supreme Council in original, with a view to save time and labour but, if required, translations will be furnished.

(Sd.) ILLEGIBLE.

MINUTE OF SENIOR MEMBER.

Wasik Alee Khan Appellant.

versus

Government and the Local Agents of Hooghly ... Respondents.

The 21st December 1832.

Sudder Dewani Adwalut. For reinstatement in the office of Joint Mutwalli of the Hooghly Imambarah.

Read a letter from Mr. Bradddon, Commissioner of the 20th Division, dated 10th November last, submitting for approval the draft of an answer in the above suit prepared by the Collector of Hooghly.

2nd—Read a letter from the above Commissioner dated 8th instant enclosing a letter from the Collector of Hooghly and advising that the Sudder Dewani Adawlut on the 4th instant ordered that this appeal should be heard out of numerical order, and that therefore the answer on the part of the Government should be filed as soon as is possible.

3rd—To understand this case I have referred to and attentively perused the records belonging to it submitted to me by our record-keeper commencing from July 1815.

4th—In fulfilling a duty which so materially involves the reputation as well as the interests of the Government it has always been my opinion that it never can be consistent either with the interest or the dignity of the Government to defend a prosecution where the issue is unquestionably doubtful or in other words where the case made out on the part of the plaintiff exhibits far better and more substantial reasons for anticipating a favourable result than any which can be advanced for his discomfiture. But this is a suit in which there does not appear to me any reason to hope a defence, if made, can be successful and in illustration of this opinion, I proceed to show, what are to my apprehension, the material facts of this case.

5th—The origin of this suit has been the removal of Wasik Aleo Khan from the office of Joint Mutwalli of the Hooghly Imambarah to which office he claims a vested right in virtue of a deed executed by the endower Muhammad Mohsin.

6th—Wasik Aleo was removed from the office of Joint Mutwalli by the late Board of Revenue with the sanction of Government after a summary enquiry (not judicial), which satisfied the late Board that he was neither sufficiently trustworthy nor fit to be continued in this office. It is much to be regretted that at that time the Mahomedan Law Officers were not required to declare in the prescribed manner their opinions of the nature of the Trust Deed executed by Muhammad Mohsin, whether it was by the Mahomedan Law a mere Towleutnamah or simple deed of trust or as is now declared by these authorities, a "Towleutmal Wasseut" or testamentary trust making the Trustees Executors as doubtless such an exposition of the legal merits of this deed might have induced a very different mode of enquiry, if not a different decision.

7th—The deposed Mutwalli instituted a suit in the Zillah Court at Hooghly to recover his office as being his vested right under the Deed above referred to. The Judge of Hooghly dismissed the suit expressing in the body of his decree, his approval of the previous proceedings of the late Board of Revenue. But it is here material to observe that the Zillah Judge passed his decision, it is to be presumed, without adverting to the provisions of Section XV of Regulation IV of 1793 which direct and require that in suits of this class, the Mahomedan Law officers of the Court are to expound the law, and the Judge is to form his decision according to the Mahomedan Law, for no mention is made by the Zillah Judge in his decree of this absolute rule and in fact as far as the record shows it was allowed no consideration.

8th—Dissatisfied with the above decision Wasik Aleo preferred his appeal to the Calcutta Provincial Court where he filed the Futwah of the Moulvoes of the Madrassa declaring that the deed of trust executed by Mubammad Mohsin is not a mere "Towleutnamah" or simple deed

of trust but a "Towlentmal Wasseut" or testamentary deed of trust possessing the properties of a will and in illustration of their opinion they observe that this deed empowers the Mutwalli, whenever he may find, he can no longer fulfil his office satisfactorily, to appoint his own successor, a license that could only exist in a Towlentmal Wasseut and is never to be found in a mere Towlentnamah and they also state that the successors to the testator named in the Towlentnamah are to be considered the Testator's Executors. The Provincial Court forwarded the Futwah delivered by the Moulvees of the Madrassa to the Law Officers of the Sudder Dewani Adawlut soliciting from them Futwabs.

*The Law Officers of the Superior Court confirmed the correctness of the Futwah delivered by the Moulvees of the Madrassa and an exposition of their opinions that the deed of trust of the testator, Hajee Muhammad Mohsin specifically declares that the disbursement of the daily expenses, and the wages of the stipendiaries and other persons of the Imambarah shall after his demise be vested in the Mutwallis who will discontinue or continue them according to their pleasure, a power clearly demonstrative of this deed being of the description of a will, that is a Towlentmal Wasseut and not a mere Towlent. The Judge of the Provincial Court dismissed the appeal and confirmed the decision of the Zillah Judge, thus fulfilling only that part of the injunction of the section of the Regulation above quoted which requires that the Mahomedan Law shall be expounded, and neglecting the other part which directs that the decision shall be formed according to the Mahomedan Law inasmuch as his decree is in direct contravention of all the Futwabs laid before him, and without any reason for setting them aside.

*9th—A special appeal has been admitted by the Sudder Dewani Adawlut in the case because the decrees of the Zillah and Provincial Courts are in contravention of the Futwabs delivered by so many law officers.

10th—The draft of an answer prepared and submitted to this Board by the local authorities and proposed by them to be filed in this case, I consider unsatisfactory; indeed I cannot imagine a defence which could be framed to warrant any just hope of ultimate success. The Regulation applicable to the case, the concurrent Futwabs of the Law Officers of the Sudder Dewani Adawlut, and of the Madrassa, and the reasons assigned by the Sudder Dewani Adawlut for admitting a special appeal are to my apprehension indications quite conclusive as to the ultimate issue of this litigation being favourable to the Appellant.

11th—Entertaining these sentiments I consider, it is my duty to recommend to Government to authorize our compounding this suit with the appellant, if he will, on being reappointed Joint Mutwalli to the Hooghly Imambarah, file a Razynamah and withdraw his appeal before the Superior Court.

(Sd.) J. PATTLE,

SUDDER BOARD OF REVENUE.

Minute by the Second Member.

Sudder Board of Revenue,
Fort William.

The 21st January 1833.

In the measure proposed to be recommended to Government by the Senior Member I cannot concur. A decree has been obtained by Government both in the Zillah and Provincial Courts; and I can discern nothing either in the Regulations applicable to the case, the Futwahs of the Law Officers of the Sudder Dewani Adawlut and of the Madrassa, or in the reasons assigned by Mr. Ross for admitting a special appeal to lead us to despair of a favourable issue. On the contrary, it appears to me that the decrees in question are perfectly good and that they cannot be set aside without interfering with the exercise of a power on the part of Government which by the Regulations is specially vested in it.

2nd—It is affirmed that the deed of Hajee Muhammad Mohsin is not simply a Towleut (Endowment) but a “Towleut Mal Wassout” or as it may be rendered a testamentary endowment. This, however, does not in the least affect the question, for the Law, as regards both, is the same quoad the point in dispute. The Government has the same power to dismiss a dishonest Executor that it has to turn out a faithless Mutwalli or administrator of an endowment; and with the exercise of this power the Courts are not authorized to interfere.

3rd—When an administrator has been duly appointed, the Government cannot of course dismiss him on the mere complaint of the parties concerned, without any proof of his dishonesty, but it may, if it considers the proof of his dishonesty to be sufficient. By Regulation XIX of 1810 the appointment and removal of the managers and superintendents of all endowments is vested in Government, which, in the exercise of this power, is not liable, at the suit of such individuals, to be called to account in the Civil Courts.

4th—If it be asked what is the degree of misconduct which justifies the removal of an administrator, I reply that, on this point, the Government, which is vested with final jurisdiction in such matters, is alone competent to determine. The Law Officers of the Sudder Dewani Adawlut give rather a vague rule; “The Kazee,” they say, “may dismiss the nominee of the endower whenever he considers it to be advantageous to the Endowment.” They endeavour to qualify it by restricting the power to cases where the bad faith or misconduct of the Superintendent is proved. This, however, is still vague; for different persons entertain very different ideals of misconduct, especially that degree of it which would constitute disqualification.

5th—The Provincial Court* held the decision of Government dismissing the Superintendent to be conclusive; and on this point there can, I think, be no doubt. The Futwah of the Law Officers of the Sudder Dewani Adawlut dated the 13th November 1830. filed by Government

*Vide decree dated the 18th December 1830.

in the case and the very pertinent questions put by Mr. Curtis, to which the Sudder Court on admitting the special appeal, do not appear to have adverted, settle the matter. The Kazee being competent to dismiss a superintendent for what he considers bad faith, or misconduct, the competency of Government, which stands in the place of the Kazee, is indisputable.

6th.—Under the circumstances I see no reason whatever for abandoning the defence. It has been shewn that the decrees, passed in favour of Government, are conformable not only with the regulations but the Mahomedan Law and as to the reasons assigned by the Sudder

* *Vide* Mr. Ross's Proceedings dated 28th January 1832.

Court for admitting a special appeal, I see no grounds whatever for inferring the remotest intention to prejudge the case.* If however, any such inference can be drawn, it furnishes an additional motive for those on whom the protection of the public interests devolves, to exert themselves the more strenuously in their defence.

7th.—For the above reasons I agree in the opinion entertained by the late Board† that the prerogative of Government should be asserted. I am intirely opposed to compounding with the appellant in the mode proposed in the last paragraph of the minute recorded by the Senior Member above referred to, because such a procedure will compromise the authority of Government, and defeat the object of Regulation 19 of 1810 in this and all similar cases; and further because if the appellant has been unwarrantably dealt with it would be unbecoming in Government to offer less than what in that case he would be entitled to. He claims, as a matter of right, not only restitution to the office of Mutwalli but likewise to his share of the property assigned to that officer in the Towleutnamah which was forfeited by his dismissal. On successful resistance, therefore, to these claims depends, first whether Government is to make good to him that amount from the date on which he was removed, and secondly whether in defiance of the provisions of the regulation 19 of 1810, which vest the Governor General in Council with full power to make provisions for the due management and superintendence of such endowments, an individual is to be replaced as a matter of right in the office of Mutwalli or Manager for which he has, by the highest competent authority, been declared disqualified.

† *Vide* Persian Proceedings dated the 24th April 1821.
(Sd.) J. PATTLE.

(Sd.) W. W. BIRD,

Second Minute by the Senior Member,

HOOGHLY IMAMBARAH.

I received yesterday afternoon my colleague's minute dated the 21st instant and have perused it with great attention but without finding any reason to alter the opinion I have already given in this case.

2. As in the margin of the 7th paragraph of my colleague's minute reference is made to Persian proceedings held by me as a member of the late Board of Revenue under date the 24th April 1831 approving the draft of an answer the Hooghly Local Agents had submitted, it is necessary that I should state therein when these proceedings were held by me. No Law Officer had to my knowledge, been consulted in respect to the nature of the deed executed by the endower, Muhammad Mohsin. It is also requisite, I should declare that the abovementioned Persian proceedings formed no part of the records submitted for my reference and consideration when I wrote my first minute or I should have then stated that the legal information now adduced as will appear from the dates of the Futwahs, has only recently been obtained.

It is for the Government to determine with reference to the conflicting opinions the 2nd member and myself have given on this case, what course shall be pursued. I accordingly propose that Acting Secretary will have the goodness to draft a letter submitting to Government for instructions over minutes and papers needful for reference in which he will include translation into English of the late Board's Persian proceedings of the 24th April 1821 and of the draft of an answer referred to therein.

BOARD OF REVENUE,

FORT WILLIAM,

23rd January 1833.

P.S.—No time should be lost as the Sudder Dewani Adawlut have long since directed that this case shall be heard out of numerical order.

Second Minute by the Second Member.

The papers needful for reference, should of course, as suggested by the Senior Member be submitted for the consideration of Government and for this purpose I request that application may be made through the Vakeel of Government for copies of Mr. Curtis's rubukaree dated the 31st July 1830 and of the Futwa, of the Law Officers of the Sudder Dewani Adawlut, dated the 13th of November following, in conformity to which the decree of the Provincial Court was passed. The artful suppression of these papers by the appellant, on preferring his application for the admission of a special appeal misled apparently the Sudder Judge. The Senior Member has in like manner been led to suppose that the Judge of the Provincial Court passed his decision "in direct contravention of all the Futwahs laid before him"; and it is of the utmost importance to prevent Government from falling into the same mistake.

2. The mere fact of the suppression of these documents is sufficiently conclusive of the effect with which the appellant himself was aware, the production of them would be attended and it is to be

regretted that no means were then at hand to prevent the success of the artifice. It is not, however, yet too late, should Government be pleased to approve of the steps recommended by me.

(Sd.) W. W. BIRD.

SUDDER BOARD OFFICE,
FORT WILLIAM,
The 25th January 1833.

•.

Third minute of Senior Member.

By all means let an application be made through the Vakeel of Government to the Sudder for the abovementioned copies of papers required by the Second Member and which I have never seen.

(Sd). J. PATTLE

The 25th January 1833.

No. 313.

To R. D. MANGLES, Esq.,

Acting Secretary to the Sudder Board of Revenue, in the
Lower Provinces.

SIR,

I am directed by the Right Hon'ble the Governor-General
in Council to acknowledge the receipt of your letter of the 12th ultimo, submitting minutes recorded by the Members of the Board in the case noted in the margin, in which a special appeal has been admitted by the Sudder Dewani Adawlut.

Wasik Alee Khan	...	Appellant,
	<i>versus</i>	
Government and the Local Agents of Hooghly	...	Respondents.
For the recovery of the situation of Joint Mutwali of the Hooghly Imambarah.		

2. In reply, I am directed to request that you will inform the Board, that on a consideration of the papers forwarded relative to this case, His Lordship in Council has been pleased to resolve, that the appeal in question shall be defended on the part of the Government, The Board will be pleased to give immediate instructions to that effect accordingly, and they will be careful of course to see that the answer filed to the appeal contains a full and clear statement of the grounds on which the right of Government to exercise its discretion, without reference to the Civil Courts, in removing Wasick Ally Khan from the superintendency of the Imambarah for abuse of trust proved to its satisfaction, is contended for.

I am,

SIR,

Your most obedient servant,

(Sd.) C. MACSWEEN,

Offg. Secretary to Government.

COUNCIL CHAMBER,
The 15th March 1833.

Secretary to Government, Revenue Department.

The 28th January 1834.

SIR,

I am directed by the Sudder Board of Revenue to submit the following question for the consideration and orders of Right Honourable the Governor General in Council.

2nd—The point upon which the decision of Government is requested, arises out of the case noted in the margin which has already been laid before his Lordship in Council with Mr. Mangle's letter of the 12th February 1833, in consequence of a difference of opinion between the Members upon which Government were pleased to pass orders to the effect that an appeal, on the part of Government should be prosecuted, which orders were conveyed in your letter* of the 15th March 1833.

*No. 313.

Wazir Alee Khan, versus Government and Local Agents of Hooghly.

3rd—It appearing to the 2nd Member that this case relative to the Hooghly Inambarah was one of great importance and difficulty and that in the progress of the appeal through the Court of Sudder Dewani Adawlut it had become still more complicated than before, owing to the Proceedings of Mr. C. R. Barwell, one of the judges, who after passing a final decision in favour of Government has introduced into his written decree an order for referring the case to the other judges, he proposed to the Board that Mr. Sutherland, one of the pleaders practising at the Bar of the Court, be retained on the part of Government in the case, to assist its conduct with his learning and talent, in unison with, and in addition to the Vakil of Government under the provisions of Regulation XII of 1833.

4th—It appeared also to the 2nd Member that Mr. Sutherland's employment in the manner proposed by him, was rendered the more desirable from the circumstance of that gentleman being the Secretary of the Committee of Public Instruction to whose superintendence the affairs of the Institution have been committed, and having from that connection an official interest in the favourable result of the trial, which taken together with his professional qualifications, appears to render him peculiarly united to afford essential service to Government on the present occasion.

5th—The senior Member is fully sensible of the advantages which the employment of the talents and the other high qualifications undoubtedly possessed by Mr. Sutherland, are likely to afford any suitor in the court wherein he practises, but he doubts how far it would be considered proper by Government to employ that gentleman in addition to the regular Pleader of Government, who has hitherto conducted the case. Mr. Pattle has called the attention of the Board to the

sentiments expressed by Mr. Elliott, the Special Commissioner of Bihar, in which the junior Member has declared and coincided when it was suggested to allow the Deputy Collector employed in getting up the case of Government under the proposed new rules, to conduct his case in person, and he considers the present proposition for the employment of British Agency, open to all the objections expressed by Mr. Elliott as he understands, concurred in by his colleague, that were urged against that suggestion.

6th.—As a general principle the senior Member is of opinion that Government should not debar itself from taking advantage of the best agency it can obtain in the conduct of its own suits, whether European or Asiatic, in the same manner as any private individual may do, but independently of the seeming inconsistency above alluded to he considers the step proposed by his colleague to be of such a nature as to require for its sanction a previous reference for the orders of the Governor-General in Council.

7th.—The Junior Member does not consider that the same objections are applicable to retaining Mr. Sutherland as occur to the employment of the Deputy Collector to plead in the mofassil as an usual rule, that gentleman not being in the conventioned service of Government which the Deputy Collector is, and there being no obstacle to the employment of an European pleader by the opposite party in the Sudder Dewanny Adawlut under the recent regulation above cited, which, there would generally be in practice at least in the Mofassil Courts of the Special Judges.

8th.—He accordingly requests that the question be submitted for the orders of His Lordship in Council as he considers the case to be of much importance as to warrant a reference to the wisdom of the Supreme Council.

No. 293.

To R. D. MANGLES, Esq.,

Acting Secretary to the Sudder Board of Revenue,

Lower Provinces.

SIR,

I am directed by the Honourable the Vice President in Council to acknowledge the receipt of Mr Grant's letter No. 24, dated the 28th January last, and to request that you will inform the Board, that His Honour in Council authorizes the Board, to retain Mr. J. C. C. Sutherland as an additional Pleader on behalf of Government in the appealed case noted in the margin pending before the Court of Sudder Dewanny Adawlut.

I am, ,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE.

Deputy Secretary to Government.

COUNCIL CHAMBER,

The 3rd March 1834.

No. 68.

SUDDER BOARD OF REVENUE.

To J. C. C. SUTHERLAND, Esq.,
Calcutta.

SIR,

I am directed by the Sudder Board of Revenue to inform you that the Honourable the Vice-President in Council has been pleased to authorize them to retain your services as an additional pleader on behalf of Government in the appealed case noted in the margin pending before the Court of Sudder Dewani Adawlut and to request that you will associate yourself with the Government Vakeel in the suit.

Wasik Alee Khan verses Government and Local Agents of Hooghly.

I have, etc.,

(Sd.) G. K. B.

2nd May 1834.

SIR,

I beg leave to submit the ~~half-yearly and annual~~ **Khurch** accounts of Pergunnah

ABSTRACT :

Forwarding 2nd half-yearly and annual Jumma Khurch accounts of the Trust Estate of the Hooghly Imambarah for 1240 B.S., observing, that the amount now in deposit on account of the $\frac{1}{4}$ th share assignable to one Mutwalli not maintained, as directed in a letter from the Sudder Board of Revenue dated 31st March 1829, is short of what it ought to be, the present Mutwalli having employed nearly the whole sum for the purposes of the endowment in the $\frac{1}{4}$ th and $\frac{1}{4}$ th shares.

Syedpore, etc., the property of the Hooghly Imambarah together with the accounts of Kharij Towleut for 1240 B.S.

2nd.—With reference to the instructions of the Sudder Board of Revenue, issued under date the

31st March 1829 which directed that $\frac{1}{4}$ th share of the net profits assignable as salary to the situation of Mutwalli, placed in abeyance, should be retained in deposit and not as heretofore be appropriated as a personal allowance to present Mutwalli, I beg to draw your attention to the subject for any orders you may deem the case to require. I find only Rs. 1,513 2 as. 10 gd. 2 k. the sole available accumulation now on that head and the Mutwalli furnishes the following explanation of its appropriation :—

The total amount it would appear should be Rs. 24,731-0-0-1 k of which Rs. 23,217-13-9-3 is charged as expended for the items below :—

	Rs.	A.	G.	K.
1stly—Advanced to $\frac{1}{4}$ th share or the maintenance of the fund itself	5,671	0	16	2
2ndly—Advanced to $\frac{1}{4}$ th share or the establishment of the Institution	12,247	2	9	1
Total	17,918	3	5	3
3rdly—Embezzlement by the late cash keeper, etc., of the Imambarah	5,299	10	4	0
Total	23,217	13	9	3
Balance due to the stock	1,513	2	10	2
Total	24,731	0	0	1

3rd—I think this discretion is hardly reserved to the Mutwalli from the general tenor of Mr. Blunt's minute referred to in the above quoted instructions, and I can only remark that the Mutwalli has never applied, through this office, for leave to employ the fund, and considering that it is now notorious, a suitor is before the Sudder

Dowani Adawlut, hoping to succeed to the rights of the Mutwalli-ship in abeyance I have deemed it proper to intimate to the Mutwalli, Akbar Alee Khan, that he should not henceforth, until your sentiments are communicated for his guidance, appropriate this fund in any way.

I am,

SIR,

Your most obedient servant,

(Sd.) W. H. BELLIE,

Local Agent.

HOOGHLY LOCAL AGENT'S OFFICE,

The 1st September 1834.

To

The Sudder Board of Revenue,
Fort William.

GENTLEMEN,

I deem it expedient to submit for your Board's information the

Letter from the officiating Judge of the 24-Pergunnahs, dated 15th July 1834, with six native enclosures.

Copies of Commissioner's letter to the officiating Judge of the 24-Pergunnahs and officiating Judge of Hooghly. (with Persian proceedings) dated 29th July 1834, No. 1480-81.

Copy of Persian Roobukaree from the officiating Judge of Hooghly dated 1st August 1834.

Copy of Commissioner's letter to Collector of the 24-Pergunnahs dated 18th August 1834, No. 1686.

Copy of Commissioner's letter to Judge of the 24-Pergunnahs and Hooghly, dated 18th August 1834, No. 1687.

Letter from officiating Collector of the 24-Pergunnahs dated 10th September with one English and two native enclosures.

correspondence and papers noted in the margin relative to the proposed sale of the property at Kidderpore appertaining to the Imambarah at Hooghly under a decree of the Calcutta Provincial Court of Appeal.

2nd—I have in the interim requested the Local Agent at Hooghly to consult with the Mutwalli of the Imambarah and report whether some arrangement

cannot be made for discharging the amount awarded against the Trust Estate, and to save the property at Kidderpore from sale under the existing depreciated value on landed property and have directed the Collector of the 24-Pergunnahs to suspend the sale of the property in question till further orders.

3rd—As connected with this subject I have the honour to forward

Letter from Collector of Hooghly, dated 1st September 1834, with 4 English and 52 native enclosures.

Letter from Collector of Hooghly, dated 12th March, with 2 English and 25 native enclosures.

in original the accompanying letter and its enclosures from the Local Agent at Hooghly stating that the Nawab Alee Akbar Khan,

the present Mutwalli of the Imambarah, has in direct contravention of your Board's orders of the 31st March 1829 and without any authority from the Local Agent expended the greater portion of the proceeds of the 1/4th share assignable as salary to the situation of the Mutwalli at Syedpore placed in abeyance under your Board's orders above cited.

4th—Your Board will perceive that the total amount of the proceeds is shewn to be Rs. 24,731-0-0-1 of which the Mutwalli has disbursed Rs. 5,671-0-16-2 for the expenses of the 1/4th shares, Rs. 12,247-2-9-1 on account of the 1/4th share, Rs. 5,299-10-4 he states was embezzled by the late cash keeper and that the balance only Rs. 1,513-2-10-2 is in deposit.

5th—Of these disbursements no separate entry appears in the accounts, and even if there were any, they could not be checked without

comparison with the receipts and vouchers, and the Local Agent will accordingly be called upon to state whether he has tested the accounts furnished by the Mutwallis with the receipts which he ought to have delivered in with them, although there are various changes in the accounts, of the correctness of which no such proofs are obtainable, viz. charity, distribution of fruits and sweetmeats, diet allowance, etc.

6th—At the same time it is quite evident that the Mutwalli has had no authority to dispose of these sums, and had they, been retained in deposit as directed by your Board, (they) could have been appropriated towards the liquidation of the decree of Court, or if not to this purpose the suitor now before the Sudder Dewani Adawlut claiming to succeed to the rights of the Mutwalliship in abeyance, will demand a refund of the amount thus appropriated if he obtains an award in his favour.

Under these circumstances your Board's orders are solicited as to whether the Mutwalli shall be held personally responsible for these unauthorized disbursements or not.

7th—To prevent, however, a recurrence of any similar acts on his part, I would propose that the annual expenses of each share be fixed with reference to previous accounts, any expenses beyond which the Mutwalli should be restricted from incurring; and in the event of your Board's approving this suggestion the Local Agents at Hooghly will be directed to carry it forthwith into effect, reporting the result of your Board's information.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd). E. R. BARWELL,

Commissioner.

ALIPORE,

COMMISSIONER'S OFFICE, 18TH DIVISION,

The 30th September 1834.

SUDDER BOARD OF REVENUE,

No. 639.

Commissioner of Alipore.

The 23rd December 1834.

SIR,

THE Sudder Board of Revenue having had before them your letter of the 30th September last * (which did not come to hand till the 2nd instant) and its enclosures relative to the affairs of the Imambarah at Hooghly, direct me to communicate as follows :—

* No. 2031.

2nd.—The Board request that you will submit for their inspection the Decree passed by the Provincial Court of Appeal and explain at the same time why no intimation of that decree was communicated to them at the time when it was passed. The Board remark that Mr. Martin's letter of the 15th July reached you on the 18th idem, whilst your letter forwarding the same and other correspondence was not received till the 2nd instant.

3rd.—Further the Board wish to be informed under what circumstances the Trust Estate can be held responsible under a decree passed in a case to which Government does not appear to have been a party.

4th.—The Board request that you will instruct the Local Agents to call upon the Mutwalli to furnish within ten days of his receipt, through them, of this requisition a full explanation of his misappropriation of a portion of the funds of the Institution.

(Sd.) B. O. M. S.

To

The Sudder Board of Revenue.

SIR,

The case of Wasik Ali Khan against Government in which the Board did me the favour of employing me to act on the part of Government has been finally decided by the dismissal of the appeal of Wasik Ali. It contains some points of importance as to the Law of endowments and construction of Regulation 19 of 1810. I submit, therefore, for the consideration of the Board in print, three copies of a full Report of that case and two others with which it is cognate.

I have, etc..

(Sd.) J. C. C. SUTHERLAND,

CALCUTTA,

The 1st January 1835.

SUDDER DEWANEE ADAWLUT,

November 29th, 1834.

Before C. W. SMITH, Esq., Officiating Judge.

- I. Wasik Ali Khan, Appellant, *versus* Government, Respondent.
- II. Turab Ali Khan, Appellant, *versus* Curator of the Hooghly Endowment and Collector of Jessore.
- III. Collector of Jessore and Curator of the same, Appellants *versus* Turab Ali Khan, Respondent.

On the 9th Bysakh, 1213, B. S., (1806) Haji Muhammad Mohsin, a Shia Muslim, Zemindar of Kismat Saidpur,

The office of Curator of a trust is not hereditary and the claim of Wasik Ali to be considered as a Curator, on an alleged appointment by his father (one of two Curators, originally appointed by the endower) and the asserted improper removal by the Board, under Regulation 19 of 1810, is disallowed. It appeared that the appointment, if genuine, had never taken effect, the father having continued to act after its date and that it had never been confirmed by the proper authorities.

in Jessore, executed a deed of endowment, whereby for the service of God, he assigned that Estate and other properties mentioned, for the trusts, and under the conditions following:—(i) Conveyance was made to Shakir Ali Khan and Rajab Ali Khan, who were appointed Mutawallis or Curators; (ii) $\frac{1}{3}$ ths of the net income were assigned for the observance of prayers, the preservation of the

Imambarah at Hooghly and tomb of Salahuddin Mohammad, the husband of the Haji's half sister, Manu Jan, from whom he had inherited; (iii) $\frac{1}{3}$ ths were assigned for the support of the Curators; (iv) $\frac{1}{3}$ ths were assigned for the support of the office-bearers of the Imambarah and certain persons named in a list; (v) after the endower's death, the Curators might alter and remodel the expenditure, allowances, and pensions; (vi) if in their lifetime the Curators should wish to resign, they might appoint in their places new Curators, choosing the most worthy.

The endower died on the 16th Agun, 1219 (30th November 1812): Shakir Ali died on the 28th Bysakh, 1220, having previously set up an instrument, purporting to be a will bearing his seal and executed by the Haji, shortly before his death (on the 7th Agun, 1219) whereby he virtually set aside the previous endowment, and constituted Shakir Ali his representative and successor. Shakir Ali on this, which bore the attestation of his father-in-law Rajab Ali, procured record of his name as Zemindar.

At the instance of Banda Ali, who claimed the Estates as donee of Manu Jan, after the death of Shakir Ali, the instrument was pursued as false, before the Magistrate at Hooghly, by his investigation the forgery was clearly shewn. Rajab Ali admitted the fact of affixing the Haji's seal (while he was insensible) at the desire of Shakir Ali, and the witnesses whose names appeared, denied knowledge of execution. The Magistrate did not press the charge against Rajab Ali, on the ground of his ignorance and simplicity—the deed in fact prejudicing his rights under the endowment.

Bakir Ali succeeded Shakir Ali, his father, under an alleged appointment from the latter. Dissensions already commenced, continued between him and Rajab Ali. After some struggles a compromise ensued which ended in their effecting the record of their names as joint Zemindars.

Amongst subjects of dispute and jealousy was a Taluka, which Shakir Ali, at the fixed inadequate sum of 12,573 rupees 11 annas had set up in favour of his younger son Turab Ali. It included Basandia, Chingotia and Magora, the most valuable mahals of the Estate. This tenure being resisted by Rajab Ali, the issue of Turab Ali's possession, was tried by the Zilla Court, under Regulation 6 of 1813, and found in the affirmative on the 21st February 1814. This award was, however, on 29th July set aside by the Court of Appeal, which sent the case back, that it might be readjudged, when the patta alleged to have been granted by the Haji to Turab Ali, should have been produced. But no retrial took place. Rajab Ali filed a retraction in which he admitted the alleged tenure and right of Turab Ali. There was another tenure set up in favour of Turab Ali, viz., that of the Lakhiraj muhal of Sobnal (also a part of the endowment) on which the quit rent of 1,001 rupees was alleged to be fixed.

These dissensions, and complaints of abuses made against Rajab Ali and Bakir Ali brought them under the notice of the Local Agents and Board of Revenue, which authority under Regulation 19 of 1810, is invested with the general control of endowments. With the sanction of Government, in November 1815 (Magh 1222) Akbar Ali Khan was appointed Visitor to report abuses and check the Curators in the management of the trust.

In the interval up to September 1817, enquiry went on and proceedings were held by the Collectors of Jessore, successively, Messrs. Steer, Boddam and Tucker.

In June 1816, at the proposal of Mr. Steer the Board under certain conditions and checks, authorized the Collector to allow the Collectors

to complete the collections of 1222 and on compliance with the same, the charge was restored to Rajab Ali and Bakir Ali.

In the progress of enquiry Mr. Tucker brought to the notice of the Board various acts of abuse and misfeazance against the Mutwallis, under these heads :—(1). They had fraudulently misappropriated the assets of the Trust, by constituting and enjoying in fictitious names, tenures at inadequate rents, in particular the Taluka tenure of Basandia, Chingotia and Magorah, the latter of which was appropriated in the name of Mishani Begum, the wife of Wasik Ali, Rajab Ali's son. (2). The inadequate rents even of these Talukas had not been brought to credit. (3). The establishment of the village of Putwaris had been corruptly suppressed. (4). The Mutawallis had allowed the officers of the trust to hold collusive farms. (5). They had largely anticipated the rents and allowed to farmers remissions, for what they had thus converted to their own use, in particular, to the farmers of Chanka and Arinda. (6). They had fraudulently drawn from the collections large sum for their own use, in excess of their fixed proportion, as appeared from the accounts of their own officers and misapplied sums in bribery.

The Talukas of Basandia, etc., and of Sobnal were resumed, with the authority of the Board, by the Collector, Mr. Tucker, who first addressed orders on Turab Ali and the other parties, to produce their titles—a requisition which had before been made by Mr. Boddam in 1816, also without effect.

Subsequently on the 12th September 1817, in consideration of the reports and statements of the Collector, the Board recorded its opinion that Bakir Ali, who was already suspended from charge, was unfit to hold the office of Curator. Acts of misappropriation and abuse against him and Rajab Ali (who had died pending the enquiry) being proved, the Board also held that his heir (Wasik Ali) was also unfit to succeed to the vacant Curatorship, as his participation in abuses was apparent, and besides the office was not hereditary.

These orders were confirmed by Government, which in September 1818, appointed Akbar Ali Khan sole Mutawalli in the interval, from the end of 1816; the Estates had been under charge of the Collector and the other affairs of the trust under the direction of Akbar Ali, as Visitor.

From the proceedings narrated arose the three litigations here reported. In 1826 Wasik Ali instituted a suit in the Zillah of Hooghly, to recover the office of Co-Curator of the endowment, with the emolument annexed. His case was this :—“ In Bysakh 1220, (April 1813) my father Rajab Ali, acting on the power given him in the deed, appointed me Curator in his place. I and Bakir Ali (who had been similarly appointed by his father) thus became joint Mutawallis; notwithstanding this the Board has displaced us from our offices and appointed Akbar Ali Khan in our place. The deed of trust executed by the Haji, is not merely a deed of endowment, but includes also a testament. My removal contravened the general law, and in particular section 2, Regulation 5 of 1799, whereby an

executor is only removable, on breach of trust judicially proved. Bakir Ali has become insane; therefore I alone sue for my own right."

The defence of Government was this. Rajab Ali and Bakir Ali, the last Curators, had, on enquiry, been found guilty of abuses. Under the provisions of Regulation 19 of 1810, the Board had assumed the control of the Trust, and displaced them. and with the sanction of Government, Akbar Ali Khan had been appointed sole Curator.

On the 12th September 1826 the case came on for trial before Mr. D. Smyth, the Zillah Judge. He was of opinion that plaintiff had failed in showing that he had legally been appointed to, and held the office, from which he alleged his removal. He had not been displaced, but the former Mutawallis who were guilty of abuses, in which, plaintiff too had been participant, and thence passed over in the selection of a successor. Mr. Smyth referred to the principles of the Muslim Law regarding endowments laid down in the case of Mohammad Sadik, appellatant, *versus* sons of Mohabut Ali, decided in the Sudder Dewanny, 6th December 1798 (Vol. I Reports) and cases Nos. 1 and 8, cited in Macnaghten's precedents (pages 329 and 340). These showed that the ruling power might depose a misfeazing trustee of an endowment and appoint a fit person, where no competent heir of the endower existed. The Board had done this under section 13, Regulation 19 of 1810, and the claim of plaintiff was untenable. In fact, even (as pretended) had he been deposed, still section 15 of that Regulation was inapplicable, and gave the Court no right to interfere. The section gave a judicial remedy in a distinct class of case, viz., where the Local Agents might have treated as an endowment, what was denied to be such.

Mr. Smyth considered section 2, Regulation 5 of 1799, as irrelevant. The essence of a testament was revocability: now the endower could not, had he wished it, have recalled the appropriation made in 1213, and since plaintiff could not by inheritance claim the income assigned to an office, Mr. Smyth dismissed his suit.

Turab Ali also instituted separate actions in the Provincial Court of Calcutta to recover the Talukas of Basandia and Sobnal.

His case as to the first was this, "on 3rd Bysakh 1213, Haji Mohsin made to me a heritable grant of Basandia, Chingotia and Magora, at the fixed quit rent of Rs. 12,573 and 11 annas and put me in possession. I enjoyed it before and since the endowment, and sold Magora to Nishani Begum (Wasik Ali's wife) and Chingotia to Murtaza Khan (plaintiff's uncle), each tenure subject to a quarter of the rent and I retained Basandia. The Board has resumed. Therefore, for the right of holding Basandia at a moiety of the above rent, I sue the Government, Akbar Ali Khan, and the Patuidars who hold under-tenures since created by Government.

On the part of Government, the Collector alleged the grant on which the claim rested to be a forgery. which the possession of the Haji's seals facilitated; and recited the various discrediting facts above set forth. The forged will of 7th Aghsan 1219, which plaintiff's brother,

Bakir Ali, had defended, was mentioned in this. Sobnal was recited as the Taluka of plaintiff, while Basandia was left to follow the distribution of that instrument.

On the 5th May 1830, this case was heard before Mr. G. C. Masters, who deeming the pattah set up by plaintiff proved decreed in his favour recovery of the claimed tenure, with profits, interest, and costs, against the defendant, Akbar Ali Khan.

In his plaint for the Lakhiraj tenure of Sobnal and dependencies, Turab Ali alleged that the Haji, in 1213, had granted the same to him at the fixed rent of 1,001 rupees. The defence was in effect the same as in the other case. On the 17th May, 1831, Mr. G. C. Masters heard this case. He observed that the pattah had no date and that the evidence showed that it was a fictitious alienation for the benefit of the former Mutawalis. Mr. Masters, therefore, dismissed the suit.

Wasik Ali preferred an appeal to the Calcutta Court of Appeal from the above recited decision of the Zillah Court. He pleaded that his case required a special reference to the Muhammadan Law Officers to ascertain that law as applicable thereto. Futwabs were filed by both parties, and successively submitted to the Muftis of the Sudder Dewanni Adawlat, for verification, by Mr. Middleton and Mr. Curtis, Judges of the Court. Mr. Middleton, with reference to the appellant's plea in that regard likewise proposed the question whether the Deed of Endowment was also a testament, and Mr. Curtis further asked for what it can be so considered, adding these queries—(1). Can the ruling power depose a Curator if for good of the trust in case of misfeasance? (2). The endower, by the use of terms in the plural, committed the power of substitution to both Curators: one of these is dead; can the survivor singly appoint a successor without consulting the ruling power?

On the 18th December 1830, this appeal came on for trial before Mr. Middleton, who affirmed the decision of the Lower Court. Mr. Middleton observed that the alleged fact of Wasik Ali having succeeded his father early in 1220, was disproved, by the continuance of Rajab Ali's charge till 1223 (1817). Regulation 19 of 1810, having invested the Local Agents and Board with control over appropriations, the suit was not tenable. Mr. Middleton added that the reports of the Collector established the fraudulent misconduct of the late Curators in which Wasik Ali had participated.

It is here convenient to notice the law opinions to which Mr. Middleton did not deem it necessary to advert in his judgment.

The law officers of the Sudder were of opinion that the deed of endowment combined a testament, inasmuch as discretion was given to the Curators, after his death, to revise the establishments and allowances to individuals, and the exercise of such discretion required administrative acts.

It would not be competent to the survivor of two Curators (in the case proposed by Mr. Curtis) to appoint a successor independent of the Government.

Whereby the deed of endowment, the selection of a successor is committed generally to two co-Curators, of whom one is dead; the selection by the survivor under the Mahomedan Law, is not valid, without the approbation of the Ruling power.

The Futwabs submitted by the parties for verification included various authorities from law treatises. In these the words Hakim and Kazi (denoting according to the Respondent the Ruling power) are used as interchangeable; and both agreed that the authority thus indicated might remove a misfeazing Curator. According to the Futwah adduced by appellant, a Curator whose charge was postponed till the endower's death, was an Executor; and the power of the Ruler to appoint a Curator yielded to that of the endower and his executor or to his testamentary appointment. According to the Futwah adduced on the part of Respondent if the office be committed to two, of whom one

By the Muhammadan Law the manager of a trust, whether he acts as Curator or as Executor, is equally removable by the Ruling power, if he be suspected or if for the good of the trust.

die, the ruler selects a substitute, and without his leave the survivor cannot act solely. The act of one of two Curators is null, unless expressly empowered to act severally; the Kazi may discharge the nominee of the endower, if for the good of the endowment. The same rules apply to a trust administered by an Executor, if an Executor be suspected he may be displaced.

Appeals from Mr. Masters' decisions on the suits of Turab Ali Khan, were preferred to the Sudder Dewani Adawlat by both the losing parties; so also Wasik Ali Khan obtained leave, to prefer a special appeal from Mr. Middleton's decision. Mr. Ross, who granted it, adverted to the opinion of the law officers, that the deed of endowment combined a testament. The three appeals were first heard by Mr. C. R. Barwell. On the 22nd August 1833, he affirmed Mr. Middleton's decision on the appeal of Wasik Ali; on the ground that it clearly appeared, that that individual had never been appointed Curator. It was true, as urged by him, that in the sunnud obtained by Akbar Ali Khan on the 5th September 1818, in one part he and Bakir Ali are mentioned "as the dismissed Curators"; but this was an obvious inadvertence and contrary to fact. Mr. Barwell, however, did not find that participation in the abuses, which should render Wasik Ali ineligible; and as his father wished him to succeed, he had some claim to the

Under Clause 6, Section 2, Regulation 9 of 1831, a Judge of the Sudder Dewany Adawlat confirming the decision of the Lower Court, may, previous to signing his judgment provide for the submission of the case to another Judge.

appointment, with the leave of the Government. As in this opinion he differed from the Lower Courts, and the case was important, Mr. Barwell under Clause 6, Section 2, Regulation 9 of 1831 sent the case on for the opinion of another Judge. The latter part of his judgment having been added after a short interval, (during which Mr. Barwell had sat in the special Commission,) but before the judgment was signed, a question as to its legality was raised. This by the majority of the Court was determined in the affirmative:—

On the 5th September 1833, Mr. Barwell heard the other two appeals. He proposed to affirm the decision of Mr. Masters which dismissed Turab Ali Khan's suit for the Sobnal Taluka and to reverse that which decreed his claim to the Basandia Taluka. In his judgment in this latter case Mr. Barwell recorded his opinion, that the alleged Pattah which does not bear the signature of the Haji was a forgery. (1), This instrument (dated only 6 days before the deed of endowment) which

alienated so valuable a part of the Estate, would, if genuine, have been cited in this deed. (2), Turab Ali was at the time a mere child. (3), The contest for possession which ensued on the Haji's death created an inference opposed to the pretended prior execution of six years. (4), Turab Ali from 1814 to 1817, when so required, failed to exhibit his grant. (5), The general evidence and circumstances of both cases created a strong presumption, as to the collusion of the Curators Rajab Ali and Bakir Ali (the brother of plaintiff), and that opposition had been withdrawn by a fraudulent compromise whereby one quarter of this lucrative Taluka was made over to Rajab Ali in the name of the wife of Wasik Ali, his son, and one quarter transferred to the uncle of Bakir Ali; in addition to this 2,000 rupees out of the profits of Sobnal were promised. (6), The seals of the Haji were not surrendered till the 4th July 1817 and the Curators having had uncontrolled management, might have prepared any papers to suit their corrupt purposes. As the cases were cognate Mr. Barwell sent on both for the opinion of another Judge.

The appeal of Wasik Ali came on first for argument before Mr. T. C. Robertson in June 1834. On the part of appellant it was contended that, by Regulation 19 of 1810, the Board had power only to appoint Curators, but none to dismiss was given, and that by the Muhammadan law this latter faculty belonged to the Kazi, meaning the judicial authority. On the other side it was insisted, that the general * * * control and superintendence of endowments being vested

Under section 15 of Regulation 19 of 1810, a Curator removed by the Board of Revenue, on the ground of misconduct may bring an action to try the sufficiency of of those grounds.

in the Board, the power to remove was a matter of course; Mr. Robertson was of opinion that as a preliminary it should be referred to the Court collectively whether, with reference to section 15 of that Regulation, an action for restoration, by a Curator removed by the Board, could be entertained; his own opinion being that, as well under Regulation 19 of 1810, as the general regulations, such suit is tenable. This opinion the Court at large adopted, and it received the concurrence of the Allahabad Court of Sudder Dewany, to which the point was referred. But Mr. Rattray and Mr. Shakespeare of the Calcutta Court held, that in case of a removal, directed or confirmed by the Government, the party removed had no remedy. Mr. Rattray remarked, that no jurisdiction had been expressly given in such cases and Mr. Shakespeare considered, that the precedent of Mohammad Sadik *versus* the sons of Mohabut Ali (quoted in Mr. D. Smyth's judgment) was decisive as to the paramount power of Government.

On the 25th August 1834, the three appeals came on for trial before Mr. Robertson. He concurred with Mr. Barwell, in his judgment, on the cases of Turab Ali. That individual now offered in evidence, a copy of a paper purporting to be a Rubukari of the Collector of Jessore, dated the 4th August 1816, in which he recognizes the Pattah of the Haji to Turab Ali Khan dated 3rd Bysakh 1213, for Basandia and other Mahals, and the subdivisions made by Turab Ali, and directs the Collector's officers in charge of the Estate to give possession of the Mahals at the reserved rent. Mr., Robertson

considered this paper as false. It did not specify before whom, the Rubukari was held, and was not reconcilable with the refusal of Turab Ali to produce his titles on the requisition of Mr. Boddam in October 1816, as the three appeals were cognate. Mr. Robertson who differed from Mr. Barwell, in regard to Wasik Ali's case, directed that those of Turab Ali should be submitted also to another Judge.

In the case of Wasik Ali, Mr. Robertson concurred with the law officers of the Sudder Dewany that the deed executed by the Haji on the 9th Baisakh 1213 combined a testament. On the part of Government, it had not been denied that, Rajab Ali (as alleged) had appointed his son, the appellant, and the fact of Wasik Ali's possession of the office appeared from a Rubukari of the Sudder Dewani Adawlut dated 19th June 1817 passed on a petition of Akbar Ali Khan. The continued record of Rajab Ali's name on the books of the Collector was not opposed to the appointment of his son and that person's possession. The Board, under Regulation 19 of 1810, might dismiss a Curator proved to be guilty of abuse, but there was no proof to the guilt of the substitute of Rajab Ali. The charge against that individual was supported only by the report of Akbar Ali Khan, the Visitor. The Collector's letter of the 28th March 1817 was that which contained the evidence against the former Curators, and on which their dismissal rested, but this showed that by the report of Akbar Ali Khan, nothing was substantiated against them or appellant. Akbar Ali, whose report had been thought sufficient could not be regarded as disinterested. His office of Visitor had, indeed, ceased on presenting his report, and the estates of the endowment had been restored to the former Curators; he probably, however, entertained hopes of the succession, should he succeed in showing their misfeazance, and such in the end was the result. It was unjust, therefore, to dismiss the former Curators on his report. Mr. Robertson considered, therefore, that appellant was entitled to recover his office. But Bakir Ali, the other removed co-Curator was mad, and the office vacant. The charge, therefore, of the trust must rest with Government, but were it jointly administered, confusion might arise; on this account and with reference to the blended character of deed executed by the Haji, which combined an endowment and testament, Mr. Robertson proposed that the active administration of the Trust should remain with the nominee of Government, and that Wasik Ali should draw the 1/3th of the net income to which he was entitled. The decision of the Lower Courts being reversed Mr. Robertson further proposed that appellant should recover arrears of that share from 15th September, 1818 (when Akbar Ali Khan was appointed sole Curator) with interest and costs, and reversed a discretion to concur in the restoration of appellant to the active charge of the office, should the next Judge by whom the case might be heard, deem a decretal provision in that regard as proper.

The three cases next came on for trial on the 29th November 1834, before Mr. C. W. Smith, who concurred with Messrs. Barwell and Robertson, in the decisions proposed by them as to the two cases of Turab Ali Khan, and in that proposed by Mr. Barwell in

regard to the appeal of Wasik Ali. Final decrees were passed accordingly. In his judgment in the case of Wasik Ali, Mr. Smith remarked that it was clear that, the person had never been legally appointed and that the alleged deed of nomination in 1220 from his father, even if genuine, had never received effect, for Rajab Ali subsequently continued to act as Curator till his death for nearly three years. Wasik Ali in this stage of the case had produced two papers purporting to be original, and copy of purwanahs written to him by the Collector of Jessore (Mr. Stear) in August and September 1815 (1222). These alluded to his pretensions to succeed to the charge, but in consequence of his supposed disqualification by non-age, required his personal attendance. These papers, therefore, rather tended to show that Wasik Ali had never been duly appointed. Mr. Smith was of opinion that the misconduct and unfitness of the former Curators, had been fully made out by the enquiry of Mr. Tucker, and were shewn by the accounts of the concern; Mr. Smith too concurred with the Board in attributing to Wasik Ali, a disqualifying participation in the abuses. He further remarked that, if even conceded that the original enquiry alone be insufficient to justify the procedure of the Board, still the result of the Basandia case was conclusive as to the unfitness of the removed Curators and other parties implicated in the fraudulent appropriation of that lucrative Taluka, assignment of one quarter of which had been taken in the fictitious name of the wife of Wasik Ali Khan, the appellant.

Ordered that the following letter be addressed to the Secretary to Government, Revenue Department, Bengal.

No. 5.

To Secretary to Government, Revenue Department, Bengal.

SIR,

With reference to Mr. Secretary Macsween's letter of the 15th March 1833 (No. 313) and to the orders conveyed by Mr. Deputy Secretary Colvin's letter of the 3rd March last (No. 293), the Sudder Board of Revenue have the satisfaction to submit for the information of the Right Honourable the Governor of Bengal the accompanying letter from Mr. J. C. C. Sutherland under date the 1st instant together with a printed report of the case "*Wasik Ali Khan, appellant versus Government, Respondent*," drawn up by that gentleman, from which his Lordship will perceive that the final decision of the Court of Sudder Dewany Adawlut has been in favour of Government.

2. The admission of this case by the Courts of Justice, and the construction put upon Regulation XIX of 1810 by the Courts of Sudder Dewany Adawlut, dictate the necessity in the judgment of the Board of amending that enactment in such a manner as to place beyond all doubts the absolute power claimed by Government in Mr. Secretary Macsween's letter of the 15th March 1833 to dismiss Curators (however the instrument appointing them may be denominated) for breach

of trust. For this purpose to avoid, in future, ambiguity, it will be necessary to declare the right of Government to exercise its discretion without reference to the Civil Courts whenever in its judgment circumstances are such as to require the removal of misfeasing administrations of Trust property, any dictum of Mahomedan or Hindoo Law notwithstanding.

Lastly, the Board respectfully submit in their capacity of Superintendents of Legal Affairs and with reference to the circumstance alluded to in paragraph 3 of Mr. Acting Secretary Grant's address of the 28th of January 1834 (No. 24), that in all cases, at least, to which Government is a party, (in the conduct of which alone the Board have an immediate interest), Judges in general should be required to commit their judgments to writing on the English and Persian languages and duly attested by their signatures on the day on which they are delivered—not merely to present any subsequent departure from the same, (as has been done, and sanctioned by a majority of the Court, in the present case), but more specially to obviate the liability to mistake and the many other very serious inconveniences which delay in declaring and drawing up Decrees must always generate.

See Mr. Sutherland's printed Report.

I have, etc.,

(Sd.) R. D. MANGLES,

Secretary,

SUDDER BOARD OF REVENUE.

The 13th January 1835.

To the Sudder Board of Revenue,
Fort William.

GENTLEMEN,

I have the honour to acknowledge the receipt of your Secretary's letter of the 23rd ultimo and in compliance with the request contained in it to submit a copy of the decree passed by the Provincial Court of Appeal and to state that I am unable to trace from the records transferred to my office from that of the late Commissioner of the Burdwan Division why no intimation of the decree was communicated to Your Board.

2nd.—The delay in the transmission of my report under date 30th September last, No. 2031 to your Board was explained in my letter of the 24th November following No. 2399, and I beg to add that subsequent to the receipt of Mr. Martin's letter of the 15th July last Persian proceedings were sent to the Judges of Hooghly and 24-Parganas, copies of which were transmitted with my letters above cited together with the reply of the Officiating Judge of Hooghly from which your Board will perceive that the land at Kiddirpore is stated not to be included in the Trust Estate property endowed by the late Haji Mohamed Mohsin against whom or his heirs the decree has been awarded and accordingly the requisite instructions were issued to the Collector of the 24-Parganas on the 18th August last to advertise the property for sale.

3rd.—On the receipt of the Collector's letter dated the 10th September last with the usual Lotbundy for the sale of the property the subject was again taken into consideration on reviewing the accounts of the endowment submitted by the Collector of Hooghly from which it appeared that although the property at Kiddirpore is distinct from the Trust Estate, the proceeds are nevertheless appropriated towards the expenses of the Endowment. I was under these circumstances induced to submit the whole of the correspondence and papers connected with it for the consideration and orders of your Board directing the Collector of the 24-Parganas at the same to suspend all proceedings for the sale of the property till the receipt of your Board's decision on the subject.

4th.—The Collector of Hooghly has under this day's date been requested to carry the orders contained in the 4th paragraph of your Secretary's letter into effect and to submit whatever explanation the Mootwalli may offer for misappropriating a portion of the funds of the institution which will be forwarded to your Board as soon as received.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) E. R. BARWELL,

Commissioner.

ALIPORE,

COMMISSIONER'S OFFICE, THE 18TH DIVISION,

The 14th January 1835.

To

The Sudder Board of Revenue,
Fort William.

GENTLEMEN,

In continuation of my letter of the 14th ultimo No. 9, and with reference to your Board's orders of the 23rd December last, No. 639, I have the honour to forward in original the accompanying letters and their enclosures from the Collector of Hooghly under dates the 14th and 31st ultimo submitting reports from the Mutwallee of the endowment at Hooghly relative to the decree awarded against the property at Kidderpore appertaining to the Trust Estate and to the misappropriation of a portion of the funds of the Institution.

2nd.—On the first point your Board will perceive that the Mutwallee proposes praying for a rehearing of the case because Wasik Allee Khan grounds his claim upon a Bond written in Bengalee character with a forged signature and seal of the late Hajee, which document would not stand a strict investigation, when a Pattah of Talook Busuntuah with the impression of a similar seal and signature filed in case No. 3332 by Torab Allee Khan has been proved to be forged before 3 of the Judges of the Sudder Dewanny Adawlut but that should the second appeal fail, he hopes that the sums awarded in his favour in two other cases will cover that now decreed against him.

3rd.—The suit in question having been once disposed of by the Superior Court I do not see how the Mutwallee proposes to obtain a rehearing of it, and on this point I have to solicit your Board's orders as also in regard to the expenses of the different shares of the endowment adverted to in the 7th paragraph of my letter of the 30th September last No. 2031.

4th.—As regards the misappropriation of a portion of the Funds of the Institution the Mutwallee furnishes the following explanation, viz., that the money has not been misappropriated. that it has been taken as a loan for defraying the expenses of the other shares, that he intimated the same to the Local Agent on the 24th October 1831, that the accounts of the appropriation of the money with receipts and vouchers are deposited in the Collector's office. that when there is a surplus the money can be replaced, that it has always been the practice to appropriate the proceeds of one for the expenses of the other shares which will be apparent on a reference to the accounts from 1222 to 1240 B.S. deposited in the Collector's and the late Board's offices, and finally that he did not clearly comprehend the orders prohibiting the disbursement of the proceeds of the 1st share attached for the late Mutwallee at Syedpore, but that since the 1st of September last under the orders of the Local Agent the money has been allowed to accumulate and now amounts to

the sum of Rs. 2,225, and that "without" the sanction of superior authority no part of it will in future be disbursed.

5th.—In reply it only remains for me to observe that Mutwallee had no authority to disburse the sums in question; that by the terms of the Towleutnamah he must have been fully aware that the 1/4th share was set apart for a specific purpose, and that under the 6th Section of the Rules prescribed by your Board's orders of the 31st March 1829 for his own and the guidance of the local authorities, its disbursement was clearly prohibited and directed to be reserved for the purpose of being hereafter applied in liquidation of loans or outstanding debts which he could not and ought not to incur under the 1st Section of the Rules above cited, wherein he is required to restrict the disbursements to the amount of the net proceeds of the endowed lands, and the shares applicable to the purposes specified in the Towleutnamah.

6th.—Under these circumstances I am of opinion that the Mutwallee has rendered himself liable, and it remains with your Board to determine whether the Nawab shall be held personally responsible or that he should be required so to restrict the expenses of the other shares as within a given period to make up the deficiency of the 1/4th share which he has appropriated to the expenses of those shares.

ALIPORE,
COMMISSIONER'S OFFICE, 18TH DIVISION,
The 2nd February 1835.

I have the honour to be,
GENTLEMEN,
Your most obedient servant,
(Sd.) E. R. BARWELL,
Commissioner.

ABSTRACT.

FORWARDING in original letters and their enclosures from Collector of Hooghly relative to the decree awarded against the property at Kidderpore appertaining to the Syedpore Trust Estate and to the misappropriation of a portion of the funds of the institution by the Mutwallee reporting on the circumstances of the case and soliciting Board's orders as to whether the Mutwallee shall be held personally responsible or whether the amount shall be recovered from the proceeds of the other shares of the institution.

(Sd.) E. R. BARWELL,
Commissioner.

To E. R. BARWELL, Esq.,

Commissioner of Revenue, Allipore.

SIR,

In acknowledging the receipt of your letter No. 2032, dated 30th September, last, I beg to state that agreeably to your instructions therein contained the Mutwallee was called upon to explain, how he proposed to liquidate the debt of Oasakally Khan. I now forward his answer.

2nd.—He avows himself anxious to provide funds from other sources, rather than sell Kizirpore that by depositing the amount of decree Rs. 7,850-9-4 in 1230 B. S., he appealed to the Sudder to set aside the decree, and though the appeal has been dismissed for the present, yet he is in hopes to obtain a rehearing of the case, because Oasakally Khan grounds his claim upon a bond written in Bengally character with a forged signature and seal of the late Hazoo. This forged document could not and would not stand a strict investigation, when a Pattah of Taluk Busonteeah, with the impression of a similar seal and signature filed in case No. 3332 by Torabally Khan has been proved to be forged before 3 of the Judges of the Sudder. If, however, the second appeal fails, he fully relies that the amount of Oaseelut due from Torab Ally on account of Bussenteeah Taluk will fully cover the debt.

3rd.—In reference to your concluding paragraph, I have to state that the periodical accounts and vouchers filed in this office by the Mutwally are never called in question unless any objection is brought forward by any payee, and this would appear to be in unison with the Sudder Board's resolutions dated the 23rd March 1829, an extract of which is herewith transmitted directing that the Mutwallee be required to obtain the sanction of the Local Agent to any contingent disbursement exceeding 1,000 rupees; now it very seldom occurs that any contingent expense exceeds that sum.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) W. H. BELLI,

Collector.

HOUGHLY COLLECTOR'S OFFICE,

14th January 1835.

Extract of a resolution of the Sudder Board of Revenue under date the 31st March 1829.

Paragraph 3rd.

Rule 3rd.

That the Mutwallee be required to obtain the sanction of the Local Agent to any contingent disbursement exceeding 1,000 rupees and that in cases of any requisite repairs of buildings or such like, an estimate be furnished of the probable expense.

To E. R. BARWELL, Esq.,

Revenue Commissioner, Alipore.

SIR,

I have the honour to acknowledge the receipt of your letter No. 15 of the 14th instant, and in reply beg to forward copy of the explanation, furnished by the Mutwallee. He disclaims having expended the ½th share under discussion for his own private use, and declares it has been applied to meet the charges of ½ths and ¼ths funds *i.e.*, Madrassa Hospital and repairs of the Inambarah buildings. That the reason why this amount was borrowed was the want of cash at the time; that when remittances from Jessore are complete, the debts of the respective shares would be liquidated; that this practice is all detailed in the Jumma Khurch Accounts, furnished periodically, which, if examined, will remove any doubt created; that he was not aware hitherto of the extent of the restriction imposed on him against the employment of this fund, until the 1st September last since which time he has strictly conformed to the orders of the 31st March 1829, and the result is a balance of 2,229 rupees.

2nd.—The abstract particulars of the appropriation of the sums under consideration, were given in my report, forwarded to you on the 1st September last—an extract from which also I beg to forward.

The above is the substance of his reply.

I am,

SIR,

Your most obedient servant,

(Sd.) W. H. BELLI,

Local Agent.

HOOGHLY LOCAL AGENT'S OFFICE,

31st January 1835.

Extract of a letter addressed by Mr. W. H. Bellie, Local Agent, to the
 • Commissioner of Alipore, dated 1st September 1834.

The total amount, it would appear, should be Rs. 24,731-0-0-1 cura
 of which Rs. 23,217-13-9-3 is charged for the items below.

	Rs.	A.	G.	C.
1stly.—Advanced to ½ths share on the maintenance of the fund itself ...	5,671	0	16	2
2ndly.—Advanced to ½ths share on the establishment of the Institution ...	1,247	2	9	1
	17,918	3	5	3
3rdly.—Embezzlement by the late cash- keeper of the Imambarah ...	5,299	10	4	0
	23,217	13	9	3
Balance due to the stock ...	1,513	2	10	2
Sicca Rupees ...	24,731	0	0	1

(Sd.) W. H. BELLIE,
 Local Agent

SUDDER BOARD OF REVENUE,
20th April, 1835.

No. 113.

To W. H. BELLI, Esq.,

Local Agent and Collector of Hooghly.

SIR,

WITH reference to your letters of the 14th and 31st January last and 1st September 1834, to the address of the Commissioner of Alipore,* and previous correspondence relative to the decree† passed against the landed property at Kiddirpore, in the 24-Parganas appertaining to the Imambarah at Hooghly, and to the circumstances of the case as connected with the conduct of the Mutwallee in the appropriation of the funds intended to be held in deposit, I am directed by the Sudder Board of Revenue, with a view to save time, to make this communication direct to you in order to obtain immediate information regarding the following points.

2nd.—As the Mutwallee, in his defence, asserts that in an Urzee under date the 24th October 1831, he informed the Local Agents of his intention to appropriate the cash in deposit for the $\frac{1}{3}$ th share to the contingencies of the $\frac{1}{3}$ th and $\frac{1}{3}$ th shares—an assertion which you have left unnoticed in your letter of the 31st January last, wherein you quote the explanation submitted by that person. You are requested to state whether any such Urzee was received from Allee Akbar Khan, and if received, you will report what orders were passed thereon by the Local Agents, and communicated to the Mutwallee touching his intention of appropriating the money. You will be pleased to submit the Urzee, should it have been received together with all other papers connected with it for the consideration of the Board.

3rd.—The next of the points referred to is the allegation of the Mutwallee that the amount so appropriated was borrowed by him to be expended on the other shares in the proportions noted in the margin. Upon this point the Mutwallee should be called upon to state specifically as follows :—

	Rs.	A.	G.	C.
Advanced to the $\frac{1}{3}$ th share ...	8,671	0	16	2
Advanced to the $\frac{1}{3}$ th share ...	12,247	2	9	2
Total ...	20,918	3	6	0

(1). Upon what dates and in what sums the amounts specified above were borrowed; the information to be submitted separately as regards the shares of $\frac{1}{3}$ ths and $\frac{1}{3}$ ths respectively.

(2). Why he took these sums which he was strictly enjoined* to

* *Vide* the reiterated order on the subsequent application of the Mutwallee as paragraph 4 of the Board's letter of the 3rd November 1829, to the Commissioner of Alipore.

keep in deposit, in preference to applying to the Local Agents for a loan as he was empowered to

do under rule 2.

(3). Why he did not balance accounts at the end of the year in which he used the money, and return the sum he had borrowed to the $\frac{1}{4}$ th share fund, in accordance with Rule 5, by which he was directed to restrict the proportionate disbursements of the several shares to the net proceeds of the endowed lands.

(4). What he intends to say, by proposing to replace the sum borrowed, when there is a surplus, while aware that there would be no surplus unless he reduced the disbursements on the $\frac{1}{4}$ th and $\frac{1}{4}$ th shares in any one or more years in order to save the requisite sum for the refund.

(5) Whether he brought the alleged embezzlement† by the late

†Rs. 5,299-10-4.

cash-keeper to the notice of the Local Agents and Magistrate in order to convict that person

of the malversation, and punish him accordingly; and whether he took measures to recover the loss, or if not, what measures were adopted by him.

(6) How and in what proportions he now proposes to replace the sum of Rs. 17,918, which he says that he applied towards the $\frac{1}{4}$ th and $\frac{1}{4}$ th shares.

4th.—As regards the circumstance alluded to in the 2nd paragraph, you will submit a full explanation. In reference to the queries contained in paragraph 3 you will call upon the Mutwallee to reply categorically to each of them embodying the questions and answers arranged in a distinct manner opposite to each other in an English report from yourself, accompanied by such remarks and observations as may be requisite on your part. You will also cause the Mutwally to furnish further explanation of the replies given on any point, should appear to you incomplete or evasive.

5th.—Adverting to the importance of the case and to the delay that has already occurred, the Board request that your final return to these orders be transmitted to this office not later than the 1st proximo.

I have, etc.,

(Sd.) ILLEGIBLE.

To

The Secretary to the Sudder Board of Revenue,
Fort William.

SIR,

I have the honour to acknowledge the receipt of your letter No. 118 of the 20th instant requiring explanation on certain points of expenditure by the Mutwallee of the Hooghly Imambarah.

2. To your second paragraph I have to reply that it appears to me he has deceived himself in supposing I did, or could of my own authority, pass any orders authorizing the appropriation of the 1/4th share intimated to be held in deposit. When I read in your letter these words "he informed the Local Agents of his intention, etc.," I thought I must have expressly sanctioned the step. On a reference to the Urzee of the 24th October 1831, I find amidst a mass of other words one line, which, if I comprehend it accurately, alludes to his having employed the money, but certainly not waiting for orders to do so, or making any application on the subject. The real purport of the Urzee was to obtain a loan of Rs. 20,000 under rule 2 of the Board's orders of the 23rd March 1829, and that I treated the Urzee in no other light will be apparent from the order I passed. The original Urzee and the papers connected with it are herewith transmitted. I now proceed to the questions put to the Mutwallee in conformity with the instructions under acknowledgment.

I am,

SIR,

Your most obedient servant,

(Sd.) W. H. BELLI,

Local Agent.

HOOGHLY LOCAL AGENT'S OFFICE,

The 30th April 1835.

Sadar Board's questions.	Mutwallee's replies.	Remarks of the Local Agents.
<p>Upon what dates and in what sums, the amounts specified above viz., to the 4th share Rs. 8,671-0-16-1 and to the 5th share Rs. 12,247-2-9-2 were borrowed? The information to be submitted separately as regards the shares of 4th and 5th, respectively.</p>	<p>Reference to the accounts transmitted periodically would afford the information desiderated on this head but in obedience to the present orders, I have prepared a separate account, which is hereunto annexed. There appears to have been a mistake in the Board's division of the expenditure to 4th share Rs. 5,671-0-16-2 and not Rs. 8,671-0-16-1 as inserted in the letter under reply.</p>	<p>The inaccuracy alluded to here by the Mutwallee appears to be correct. In my address of the 1st September 1834 the sum appropriated to the 4th share was stated to be Rs. 5,671-0-16-2. In the statement annexed the dates on which and in what proportions the sums were borrowed are given, but if the Board require in detail the very items by which these sums were consumed, it will require more time and much inspection to prepare such a statement. I have told the Mutwallee to be ready to answer the requisition, should it be made by the Board.</p>
<p>2ndly.</p> <p>Why he took these sums, which he was strictly enjoined to keep in deposit, in preference to applying to the Local Agents for a loan, as he was empowered to do under Rule 2?</p>	<p>By the translation sent to me of the letter of the 23rd March 1829, it did not appear to me that I was forbidden to employ the 4th share; if I was, I should not have presumed to have acted contrary to orders. I have served faithfully the Government for 40 years without even disobeying orders. Besides, what benefit was it to me to appropriate the money thus forbidden to the use of Imambarah? If it was so intended, why did not the Commissioner check it on inspecting the monthly accounts, and indeed it was strictly discontinued on the receipt of his orders of the 14th January 1835. Moreover, it seemed to me improper to apply for a loan while I had money of the endowment in hand, had I done that, the interest of the loan would have been lost.</p>	<p>Rules 2 and 6 of the letter quoted put a restriction against employing, though perhaps not quite absolute, the 4th share, and rule 4 of the orders of the 3rd November 1829 was more explicit in its prohibition. This order the Mutwallee has overlooked. I do not think it material to cavil about the idiom of the translation transmitted by this office, but such as it was, I send a transcript for the Board's information. I think the best defence that which rests its innocence upon the fact of employing no disguise in having done openly what it is avowed was done in mere misapprehension of the Board's instructions.</p>
<p>3rdly.</p> <p>Why did he not balance accounts at the end of the year in which he used the money and return the sum he had borrowed to the 4th share fund, in accordance with rule 5 by which he was directed to restrict the proportionate disbursements of the several shares to the net proceeds of the endowed lands?</p>	<p>I have never received especial orders of the Board on this subject, if I had, I would have not acted otherwise. In large institutions there are often increase and decrease of funds: accordingly when there was a deficiency in the 4th and 5th shares, I was obliged to resort to the 4th share fund; particularly as the income of the endowment has fallen short considerably by Turf Bussundeah being awarded to Torab Alli Khan; pergunnah Sobnal resumed by Government and the proceeds of Khalispur, Mahesurepasah and abad Khalispur much reduced by mismanagement, there was therefore no means of replacing annually the sums borrowed from the 4th share except by applying for loans from Government, which I did not do, considering the loss of interest.</p>	<p>The Board mean rule the 1st, I apprehend misquoted 5th rule. These orders as translated by this office were duly communicated to the Mutwallee, who also furnished himself with an English copy of the instructions. I will not be sure I quite comprehend the meaning of the Board in this question. The Mutwallee does not appear to have increased his expenditure but perhaps the Board mean that he should have reduced it within the amount of the net receipts at his disposal; that, I suppose, he could do by diminishing pensions, etc. But his explanation does not go to say that the funds are not sufficient to maintain the establishment in its present footing but rather to show that the receipts are not so reasonable as to prevent the necessity of recourse to loans. The next and final query elicits this.</p>
<p>4thly.</p> <p>What he intends to say by proposing to replace the sum when there is a surplus, while aware that there could be no surplus unless he reduced the disbursements on the 4th and 5th shares in any one or more years in order to save the requisite sum for the refund.</p>	<p>As Rs. 8,612-11-8½ for 4th share and Rs. 11,666-11-10½ for the 5th share have been decreed by the Sudder Deewany Court on account of Talook Bussundeah, and which will shortly be realized by the sale of securities property already attached, it would be bad faith in the meantime to reduce the charities of the 4th share fund.</p>	<p>I have no observation to make here.</p>

Sadar Board's questions.	Mutwallie's replies.	Remarks of the Local Agent.
<p>5thly.</p> <p>Whether he brought the alleged embezzlement by the late cash-keeper to the notice of the Local Agents and Magistrate in order to convict that person of the malversation and punish him accordingly, and whether he took measures to recover the loss or if not, what measures were adopted by him?</p>	<p>On the 16th Pooee 1238 (B.E.) Issur Chunder, cash-keeper and other embezzlers absconded, when immediately I sent notice to the Police Thanah and on the 19th following I applied to the Magistrate as well as on the 30th December 1831 reported the circumstance to the Local Agent; again on the 4th January 1832, by applying to the Magistrate, Raj Kissen Buxshee was apprehended, tried and convicted and confined in the jail by order of the Sessions Judge. Further by petitioning the Civil Court, I have got the whole of the property of the embezzlers and their securities, attached part of which has already realized about Rs. 1,000 and as the remaining property lies in the district of Jessore it is hoped, the balance will be realized in time.</p>	<p>I have no remark to make on this statement but to affirm that the measures pointed out here were pursued by the Mutwallie.</p>
<p>6thly.</p> <p>How and in what proportions he now proposes to replace the sum of Rs. 17,912 which he says that he applied towards the 3th and 4th shares?</p>	<p>I have replied in the above how this sum will be replaced by the amount of decrees on account of Turuf Bussundeah, etc. I may further add that there is Rs. 1,21,995-11 due from putneodars on account of profits of Purgunah Syedpore, etc., in the Zillah of Jessore of which the collections of 1241 (B.E.) and naosooly balances will probably amount to 65,000 rupees, the remaining Rs. 70,915-9-7½ is certainly capable of realization. I write this without having received the accounts of the past year, which may be called for when the net balance will be known at once, and as these Mohals are under the orders of Government there could be no difficulty in realizing the same to pay off the debts of the 3th and 4th shares.</p>	<p>I have no observation to make beyond pointing out an error in calculation. The balance capable of realisation would appear to be Rs. 56,995-4 erroneously stated as Rs. 70,915-9-7½.</p>

(Sd.) W. H. BELLI,

Local Agent.

HOOGHLY LOCAL AGENT'S OFFICE,

The 30th April 1835.

7th May 1835.

No. 129.

To

The Local Agent, Hooghly.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter of the 30th ultimo with its enclosures, and to request you will call upon the Mutwalee for a reply to the following additional query which appears to be necessary to enable the Board to judge how far that officer may be charged with having knowingly appropriated the assets of the 1/4th share in deposit contrary to the express prohibition of this Board.

Query:—You held in your reply to the second query put to you that by the translation sent to you of the letter of the 23rd March 1829, it did not appear to you that you were forbidden to employ the 1/4th share, else you would not have acted contrary to orders. You are, therefore, directed to state whether subsequent to the receipt of the said translation of the letter under date the 23rd March 1829, you did not yourself make over application touching that 1/4th through the Local Agent, and whether you were or were not made acquainted with the reply of the Sudder Board of the 3rd November 1829 expressly prohibiting your exercise of any discretionary power on the disposal of the 1/4th share in deposit, and if you did receive a translate or intimation of the said orders of the 3rd November 1829, you will please to state how you come to plead ignorance of the prohibition and you will again give your reasons for having disobeyed the "reiterated orders of the Board." You will make your remarks as proposed on the reply of the Mutwalee.

2nd. I am further instructed to observe that your explanation in your letter of the 30th ultimo is unsatisfactory. You inform the Board that you do not construe the Mutwalee's urzee of the 24th October 1831 as waiting for orders, but as alluding to his having employed the 1/4th assets, in such case it was your bounden duty knowing the prohibition to have sent a written order to the Mutwalee directing him to replace the sum he might have already used and to abstain in future from any such disobedience of express orders. Any further explanation you may wish to offer, you will be pleased to include in your Ameen's letter which you will send as soon as practicable.

I have the honour to be,

SIR,

Your most obedient servant.

(Sd.) ILLEGIBLE.

To J. R. COLVIN, Esq.,

Secretary to the Sudder Board of Revenue, Fort William.

SIR,

I have the honour to acknowledge the receipt of your letter of the 7th instant, No. 129, and now submit the reply of the Mutwalliee.

I am,

SIR,

Your most obedient servant,

W. H. BELLIE.

Local Agent.

Hooghly Local Agent's Office,

The 16th May 1835.

Sudder Board's query.	Abstract of the Mutwalliee's reply.	Collector's remarks.
<p>"You state in your reply to the second query put to you that by the translation sent to you of the letter of the 23rd March 1829, it did not appear to you that you were forbidden to employ the 1/4th share, else you would not have acted contrary to orders; you are, therefore, directed to state whether subsequent to the receipt of the said translation of the letter under date the 23rd March 1829, you did not yourself make an application touching that 1/4th through the Local Agent; and whether you were, or were not, made acquainted with the reply of the Sudder Board of the 3rd November 1829, expressly prohibiting your exercise of any discretionary power in the disposal of the 1/4th share in deposit; and if you did receive a translation or intimation of the said orders of the 3rd November 1829, you will please to state how you come to plead ignorance of the prohibition and you will again give your reasons for having disobeyed the reiterated orders of the Board.</p>	<p>After the receipt of the translate of the 23rd March 1829, I made no application to the Local Agent for liberty to employ the 1/4th share. By the translation of the Board's order of 3rd November 1829, it does not appear that it is prohibitory to employ the funds of this share or that it was necessary to keep the same in deposit. It may rather be understood that I shall have no control over that, which I wanted. The Perwanch of the 21st November consequent upon the Board's orders of the 3rd previously as received I sent for your inspection. The remainder is only a repetition of what was said in explanation on the former occasion and therefore need not be retranscribed.</p>	<p>Under the view taken of this matter by the Board I can only plead error of judgment. That I wilfully or willingly deviated from any clearly defined explicit rule of conduct prescribed for my guidance. I cannot perceive, or that the mode of control which is permitted to the Local Agent was lost sight of. The accounts were always submitted periodically.</p> <p>(Sd.) W. H. BELLIE. Hooghly Local Agent's Office. The 16th May 1835.</p>

Note on the conduct of Alle Akber, Mutwalee of Mohamed Mohsin's
Wakf Endowment at Hooghly.

1. It would be a work of supererogation to go back further than to the period of Mr. Blunt's minute of 1829 which had the concurrence of the Senior Member, and indeed this is the less necessary since the Rules then laid down, placed the affairs of the Trust on a new and distinct footing while the misappropriation of the funds to which my attention is now directed has taken place since the promulgation of those Rules.

2. The rules in question had for their object to restrain the Mutwalee, Alle Akber from making disbursements to a greater extent than the proportionate shares under the Towleut Namah, also from contracting debts in the shape of loans, which was provided against by giving him the power to apply to the Collector and Local Agents of Hooghly for occasional advances to meet any emergency. By those Rules, he was also, to submit periodical accounts and he was restrained from making use of the assets of the lapsed Mutwalee's $\frac{1}{4}$ th, which were to be considered a fund for the liquidation of outstanding loans and debts subject to the approval of the Board.

3. The situation of second Mutwalee had been abrogated upon occasion of the disposal of the Syedpur Trust Estate into Putnee Talooks, which rendered the situation unnecessary, since from that time the collection of the rents was vested in the Collector of Burdwan.

4. It is evident, however, that Alle Akber was not contented with that part of the rules of 1829, which deprived him of the second $\frac{1}{4}$ th, for in September of the same year he made an application to the Local Agents of Hooghly in which he stated that there were no outstanding loans or debts, and representing that when the other Mutwalee was removed he had been permitted to draw his salary in addition to his own. This application having been transmitted to Mr. Commissioner Braddon, he, under date the 22nd September 1829, solicited the instructions of the Board on this point.

5. On the 2nd November following, the Board issued still more peremptory orders to the effect that the Board saw no reason to alter that part of the resolutions of the 23rd March 1829 which limited the Mutwalee's allowance to a $\frac{1}{4}$ th; further that the Mutwalee or the Commissioner himself was at liberty to propose any special disbursements of the available surplus, and to any such propositions, the Board would pay every attention, but meanwhile the resumed $\frac{1}{4}$ th of the net proceeds and the interest on the sums in the hands of the Government Agents could not be placed at the discretionary disposal of the Mutwalee.

6. No further instructions were either solicited or issued touching the proceeds of the lapsed $\frac{1}{4}$ th till the year 1834.

7. In that year certain sums of money were required to pay some decrees of Court, and it then was discovered by the Collector and Local Agent of Hooghly, Mr. Bellie, that the accumulated assets of the $\frac{1}{4}$ th lapsed share, amounting to Rs. 24,731 with the exception of Rs. 1,513-2-10-2, had been made use of by the Mutwalee.

8. The Commissioner, under date the 30th September 1834, reported this malappropriation which he deemed a direct violation of the previous orders of the Board, and he remarked at the same time that the periodical accounts furnished by the Mutwalee exhibited no separate entry, and that the circumstance was the more unfortunate since the assets would have been available to have paid the decrees.

9. On the 23rd December 1834 the Board directed the Commissioner to call upon the Mutwalee to give a full explanation within 10 days of this misappropriation; and subsequently more full and particular information has been obtained both by putting the Mutwalee on his defence and by directing the Collector of Hooghly to transmit his own remarks and comments upon the allegations and excuses put forward by the Mutwalee.

10. Under the Rules of March 1829, which were expressly drawn up for the better guidance of the Local Agents and the Mutwalees and under the subsequent special instructions of the 2nd November in the same year, it is obvious that not only the Mutwalee, but even the Local Revenue Authorities were prohibited from any interference with or appropriation of one rupee even of the lapsed $\frac{1}{4}$ th share without the consent of the Board first obtained; and that any doubt which might have been entertained upon this point was thoroughly cleared up by paragraphs 2 and 4 of the latter communication, which imposed the definite rule that no such discretion should be exercised save after the approval of the Board; therefore the deliberate appropriation of this sum of Rs. 24,731 by the Mutwalee, who acknowledges having received translate, both of the Rules of the 23rd March 1829 and 4th November 1829, is a direct violation of the express orders of the Board

11. The plea advanced by the Mutwalee of not having been aware of the authoritative nature of the prohibition is a subterfuge, unworthy of a moment's credit or consideration; nor is the reason assigned for this appropriation entitled to any more weight, for at the same time that he was restricted from the use of this money, he was provided with an easy and simple mode of procedure by which upon occasion of any emergency he would obtain an advance of money by application to the Collector of Hooghly.

12. Another plea urged by the Mutwalee in extenuation of his conduct is the assertion that he intimated the appropriation of the assets of the lapsed $\frac{1}{4}$ th in a Persian Urzee to the Local Agent under date the 24th October 1831, but it seems to me that the sentence

conveying that intimation, which was not the main and ostensible object of that urzee, and which is very obscurely worded, was introduced by the Mutwalee not for the purpose of making the Local Agent acquainted with the circumstance, but merely under an impression that it would not attract the notice of that officer, while its introduction would be essentially useful, should attention be, at last, directed to the subject.

13. The event justified the expectation provided such was the intention, for the Local Agent did not notice it, nor does his order upon the back of the petition contain any allusion to it, and so far the Mutwalee succeeded in placing upon record a something that, with some indulgence, may bear the construction he now places on it.

14. But this chicanery does not exculpate the Mutwalee; nay, if there be no chicanery in the said alleged intimation, still he is equally obnoxious to the charge of wilful disobedience to the reiterated orders of the Board, in having made use of this large sum of money without their consent or that of his immediate superiors.

15. From the above details it is perfectly clear that the Mutwalee is guilty of having appropriated this Rs. 24,751 (less 1,513) in violation of the Board's orders, but it is also necessary to enquire what grounds there may be for coming to the further conclusion that he has himself made use of the money.

16. We have no direct proof either in favour or against such a charge; the system of accounts established in 1829 is not of a nature to admit of any very minute scrutiny into the expenditure, nor does it appear that any such thorough supervision of accounts was then intended; while any enquiry which might be instituted at this remote period would not yield any satisfaction.

17. Grounds for strong suspicion there certainly are: the Mutwalee has done good service on several occasions, and so far his character is in his favour and is entitled to weight; this impression is, however, in some degree weakened by the existence of accusations against his honesty previous to 1829, which, though not established, were the immediate cause of the restrictive rules framed in 1829.

18. Then, again, it is to be apprehended that the same individual who would not scruple to make use of a large sum of money, the interference with which without the approbation of the Board was expressly negated, would not much hesitate to take a part or the whole to his own use; for the continued disobedience of those orders, in a clandestine manner, betrays a degree of duplicity very nearly allied to a direct want of principle and honesty.

19. To this it may be added that, had he made use of this money to meet any sudden emergency (though as already noticed such a case was provided for), it was the Mutwalee's obvious duty to have replaced each sum so appropriated in its relative order of disbursement

so soon as the proceeds of the share to which he had applied it reached his hands ; but his actual conduct has been the very reverse of this ; for, if we are to believe his own statement, it has been a succession of disbursements withdrawing the cash from the deposit without his being able to quote one solitary instance of replacement.

20. I am, therefore, most reluctantly forced to look upon the Mutwalee's conduct with great suspicion.

21. Now, I think, we should lay a statement of the case before Government, and suggest either that the Mutwalee be removed and another individual appointed in his room, or that further restrictions be laid upon the expenditure to prevent similar malappropriation of the funds in future.

22. In the latter case, I should be inclined to suggest the following :—

First.—That a computation framed upon the net proceeds of the last four years he made, and, the average value of a 1/4th share being thus ascertained, that a sum equal to a 1/4th be paid in quarterly instalments to the present Mutwalee as his fixed salary.

Secondly.—That a like sum be kept in deposit by the Collector as the share of the second Mutwalee.

Thirdly.—That with reference to the 1/4th share, the Mutwalee be again called on to furnish a list of establishments and pensioners, which the Towleut Namah neither empowers him to increase nor to substitute others in the place of lapsed pensioners ; that the 1/4th assets be held in deposit until such time as he shall have submitted such list and it shall have been revised and approved, and that in future all payments to pensioners and establishments shall be made direct from the Collector's office.

Fourthly.—That regarding the 1/4th share for the expenses both in the repair of the Imambara and the observance of religious ceremonies, the Mutwalee furnish an estimate of repairs of buildings once on the first month of each year, that sum equal to the repairs be deducted and the residue made over to the Mutwalee for the performance of the said religious ceremonies.

Fifthly.—That all sums in hand be immediately accounted for by him and paid into the Collector's treasury.

Sixthly.—That the personal estates of Muhammed Mohsin, now in the possession of the Mutwalee, for which he accounts in his periodical statements, be attached and the same

be farmed and the proceeds held in deposit till further orders. They appear to be as follows:—

LIST OF PROPERTY NOT IN THE TOWLEUT NAMAH.

Khuzerpore S.J.	...	...	840	3	9	3
M.S.	...	...	2,112	12	12	0
Cantegunge (Lakhiraj)	...	...	619	10	19	2
Baug Bahaur	...	...	32	0	0	0
Emaknagore	...	...	42	0	0	0
Sona Dunga	...	...	7	0	0	0
A plot of ground in Chinsurah	...	...	12	0	0	0
Total			...	3,665	11	1 1

(Sd.) W. SMITH,

Second Member of the Board of Revenue.

The 8th June 1835.

I have said nothing in the above remarks touching the procedure to be observed in recovering and replacing the assets of the lapsed 1/4th wishing to have that point open till we discuss the matter in the Board.

(Sd.) W. S.

No. 11.

To

J. R. COLVIN, Esq.,

Secretary to the Sadar Board of Revenue.

SIR,

I am directed by the Honourable the Governor of Bengal to transmit to you the accompanying copy of an extract No. 108 from the proceedings of the Honourable the Governor-General of India in Council in the General Department, dated the 28th October last, and to request that the Board will, with the least possible delay, give effect to the resolution of Government contained in the 14th paragraph of the letter to the General Committee of Public Instruction.

I am,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Secretary to Government of Bengal.

FORT WILLIAM,

The 2nd January 1836.

No. 108.

Extract from the proceedings of the Honourable the Governor-General of India in Council in the General Department, dated the 28th October 1835.

No. 282.

To

The General Committee of Public Instruction.

HONOURABLE SIR AND GENTLEMEN—

I am directed to acknowledge the receipt of your Secretary's letter, under date the 20th ultimo, with enclosures, on the subject of the Endowment of Hajee Mohamed Mohsin at Hooghly.

2nd.—The Committee request that the Governor-General in Council will determine upon the proportion of the funds of this Institution which is to be available for the Collegiate establishment, as the plan they have been instructed to prepare must depend mainly upon the scale of the assignment made for its support.

3rd.—His Honour in Council, having referred to the Will or Towleutnamah in which the endowment originated, observes that the testator

having in view the yearly income arising from the proceeds of his Jessore zamindaree assigns $\frac{3}{9}$ ths (three-ninths) of this income to the support of the Imambarah and religious establishments specified in the Will, $\frac{2}{9}$ ths (two-ninths) are given to two Mutwalees, and the remaining $\frac{4}{9}$ ths (four-ninths) are set apart to pay the allowance of the establishments and pensions according to the list annexed.

4th.—To the Mutwalees, moreover, is given absolute power of determining upon the appropriation of the funds under the Will, and besides a general superintendence, they have full authority to sanction or resume, implying that they are to stand entirely in the place of the testator in all doubtful or specified cases.

5th.—The Government having been compelled to take upon itself the procuratorship of the endowment in consequence of the misappropriation of its funds by the original Mutwalees, Ukber Alee Khan was many years since appointed agent on its part to administer the affairs of the endowment. A litigation ensued, which has only just been concluded and a final decree has passed supporting the Government in its interference and setting aside the plea advanced by the original Mutwalees and their representations to dispute its right.

6th.—Pending the litigation and while the result was doubtful, the General office has naturally hesitated to expend the entire growing income of the endowment, and there has consequently been a large accumulation of funds which have been laid out at interest. This accumulation has been much augmented by the manner in which the estates have been administered, viz., by adopting the scheme of putnee management, that is, by leasing in perpetuity upon fine. From these fines, added to the accumulation of surplus reserved income, there is now a sum of several lacks of rupees in hand by the interest of which the income of the endowment is nearly doubled.

7th.—The Governor-General in Council, deeming himself to have succeeded to the full authority and powers assigned by Hajee Mohsin to the Mutwalees, considers it to be entirely in his power to determine upon the appropriation of the funds subject of course to the condition of adhering as closely as possible to the wishes of the testator in points in which they have been declared.

8th.—Now it appears that the growing income from the Jessore estates was the only fund in the testator's contemplation, and the expenses of the Imambarah, the Mutwallee's allowances, with the pensions and establishments are charged specially upon that income which is estimated by the sub-committee at Hooghly to yield the sum of Rs. 45,000 per annum.

9th.—The Governor-General in Council, adverting to the conditions of the will, resolves that three-ninths of the income from the zemindarees shall permanently be assigned for the current expenses of the Imambarah, etc., and of the two-ninths of this income assigned to the Mutwalees, but which are now at the disposal of Government, the Governor General in Council assigns one-ninth to the Agent or

Mutwalee appointed, by Government, but he does not deem it necessary to appoint a second Mutwalee or to appropriate the second-ninth share assigned by the testator to the co-trustee nominated in the original will. This ninth, therefore, will be available for general purposes for a beneficial nature along with the surplus funds to which I shall presently advert. It may, however, be necessary to point out that in the above observations the principle to be adopted permanently is intended to be laid down rather than the particular course to be followed in respect to the present representative of the Government in the office of Mutwalee. Should Ukbur Allee Khan be now in the receipt of a large allowance than the ninth ($\frac{1}{9}$ th) appropriated to the remuneration of that officer, it is not intended to disturb that arrangement.

10th.—The four-ninths of the zemindaree income appropriated by the testator to pensions and establishments must remain burthened with these charges, but as many of the pensions, etc., will have lapsed the Governor-General in Council considers that the income arising from such lapses may be fairly added to the surplus fund appropriable to general purposes. The expenses of the hospital will, however, remain a permanent charge under this head, but there appears to be an expense incurred for education at present which will of course merge into the general fund.

11th.—In pursuance of the principles above laid down, there remains at the disposal of Government for general purposes of a beneficent nature one-ninth of the annual income from the zemindaree. Second, the lapsed pensions, etc., and 3rd, the entire amount arising from the interest of the accumulated fund now invested in promissory notes of Government.

12th.—The Governor-General in Council is of opinion that, after setting apart from this last mentioned fund such amount as may be necessary to provide appropriate buildings, including the charge of rebuilding or repairing the Emanbarah and other religious edifices, if it should be found necessary to renew these, the entire remainder should be considered as the trust fund, the interest of which with the other items specified may be appropriated to the purposes of education by the formation of a Collegiate Institution imparting instructions of all kinds in the higher department of education according to the principles heretofore explained.

13th.—In this manner His Honour in Council conceives that the pious and beneficial purposes of the founder of the Hooghly Endowment will, best, be fulfilled, and, under the wide latitude given for the determination of the specific uses to which any surplus funds of the estate are to be appropriated, he cannot see that the assignment of the surplus which have arisen in this instance partly from the delay in consequence of litigation and partly from the fines realized from the mode of management, adopted to purposes of education in the manner stated, will be any deviation from the provisions of the Deed.

14th.—Copy of this letter will be transmitted through the Revenue Department to the Board of Revenue, and officers of account in order that the funds in hand may be held applicable to the purposes stated and the requisite statements may be prepared for the information of your Committee as to the precise amount disposable.

15th.—The Governor-General in Council hopes that the Committee will thus to prepare the scheme and make report upon this institution without much further delay.

I have the, etc.,

H. J. PRINSEP.

Secretary to Government.

Council Chamber,
The 28th October 1835.

SUDDER BOARD OF REVENUE.

No. 6.

To

The Officiating Commissioner, Murshidabad,
at Hooghly,

11th January 1836.

SIR,

I am directed by the Sudder Board of Revenue to transmit the accompanying copy of a letter from Mr. Secretary Mangles. No. 11, bearing date the 2nd instant, and of its enclosures, for your information and guidance and for communication to the Local Agents at Hooghly.

2. You are requested to desire the Local Agents to pay immediate attention to any requisition connected with the subject to which the papers now transmitted refer, which they may receive from the Revenue Accountant, who has this day been instructed in communication with the Local Agents to prepare for submission to the Board, with the least possible delay, a statement of the precise amount of funds which will be available for the purpose of the formation of a collegiate institution at Hooghly on the principle explained in the extract from the proceedings of the Honourable the Governor-General in Council.

I have, etc.,

(Sd.) ILLEGIBLE.

SUDDER BOARD OF REVENUE.

No. 2.

To Revenue Accountant.

SIR,

I am directed by the Sudder Board of Revenue to transmit for your information the accompanying copy of a letter from Mr. Secretary

Mangles, under date the 2nd instant, No. 11*,
*India's resolution of 1835. and of its enclosures, and to request that you will prepare, in communication with the Local Agents at Hooghly, and submit to the Board, with the least delay possible, a statement of the precise amount of funds which will be disposable for the purpose of forming a Collegiate Institution, on the principle explained in the orders of Government.

I have, etc.,

(Sd.) ILLEGIBLE.

11th January 1836.

To JAMES PATTLE, Esq., and C. W. SMITH, Esq.,

Members of the Sudder Board of Revenue, Fort William.

GENTLEMEN,

I have now the honour to acknowledge the receipt of your letter of the 11th ultimo, and, with reference thereto, to submit copy of a letter of the 2nd instant, with its accompaniments, from the Hooghly Local Committee to whom I had referred in the absence of all information on the subject on the records of this office.

2. I have applied to the Government Agent for a statement of the sums in his hands on account of the Sydepore Trust Estate, which shall be forwarded to you as soon as received.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE.

FORT WILLIAM,

THE ACCOUNTANT'S OFFICE,

The 5th February 1836.

No. 10.

To J. N. DORIN, Esq.,

Accountant in the Revenue Department, Fort William.

SIR,

IN reply to your letter No. 2773 of the 5th ultimo, with its enclosures, on the subject of the Imambarah, we now beg leave to forward you copy of a statement which, together with the letter (copy of which we also transmit) we have this day forwarded, to the Commissioner of Revenue and Circuit for this division.

2. The capital alluded to in Mr. Secretary Prinsep's 6th paragraph is in the keeping of the Government Agent, where all particulars regarding the precise amount and interest accruing thereon may be accurately ascertained.

We have, etc.,

(Sd.) W. H. BELL,

E. A. SAMUELS.

Local Agents.

HOOGHLY LOCAL AGENTS' OFFICE,

The 2nd February 1836.

To W. H. BELLI, Esq., AND F. A. SAMUELLE, Esq.,

Local Agents for the affairs of the Imambarah, Hooghly.

Sir.

In continuation of my letter to Mr. Belli, No. 60, dated the 18th instant, I beg to communicate the following observations and instructions.

2. In order to ascertain with some degree of exactness what amount of funds is available for the purposes of a Collegiate Institution, it is indispensable that there should be prepared a statement, which shall accurately exhibit the receipts now derivable from the Estates belonging to the Trust, property of the deceased Hajee Mohamud Mohsin, as well as the expenses incident to the management of the above Estates.

3. It falls, as I conceive, within the province of the Local Agents to make a searching enquiry, with a view to discover whether an increased revenue might not be obtained by an improved management of any estate belonging to the Trust, and in like manner to bring to the notice of the superior authorities any expenses which may be unauthorized and unnecessary.

4. The Local Agents will have observed that the proceeds of the Jessore Estates are to be divided into certain shares, certain expenditures being allotted to each share. There is, however, as it seems to me, a good deal of vagueness as to what charges are properly comprised under the different shares—for instance, it is not clear what items fairly belong to the $\frac{1}{3}$ ths set apart for the expenses of the Imambarah and the religious establishments specified in the Will. How far charges, which should have come under this head, have been improperly mixed up with, and transferred to the class of expenses allotted to the $\frac{1}{3}$ ths share of the income, cannot, without a particular examination of the accounts of the endowment, be clearly ascertained. Such an examination, you will accordingly institute.

5. Although the statement and the other information called for in this letter ought to be authenticated by the joint signatures of the Local Agents, I do not intend that you should necessarily conduct the examination of accounts in concert, if it should be more convenient to you to do so separately. It will be enough if you compare the results of your labours, so as to come to an agreement in the end.

I have, etc.,

(Sd.) E. M. GORDON,

Officiating Commissioner of Revenue.

COMMISSIONER'S OFFICE, 14TH DIVISION,

AT CHINSURAH,

The 27th January 1836.

To E. M. GORDON, Esq.,

Officiating Commissioner of Revenue, for the 14th Division,
Chinsurah.

SIR,

WE have the honour to acknowledge the receipt of your letter No. 100 of the 27th ultimo, and in reply now beg to forward a statement exhibiting the annual net profits of the trust constituting the endowment of Hajee Muhammad Mohsin, calculated on an average of three years together with a sketch which will show, we believe, as nearly as can be ascertained at present, the amount of unappropriated funds which will revert to the college in conformity with the intentions of Government.

2. This statement is not framed with that precision which may be expected to result from a scrutiny of the nature indicated in your orders now under acknowledgment. But we apprehend before we could commence on such an investigation or conduct it satisfactorily to ourselves, our powers must be well defined and considerably enlarged.

3. The Inambarah papers have been up to the present date retained in the hands of the Mutwalee, who appears to consider himself entirely independent of the authority of the Local Agents, and with whom we have hitherto considered ourselves debarred from interfering, under the instructions conveyed to us in the 3rd paragraph of a letter from the Secretary to Government, dated 6th October 1820, and the 7th paragraph of a minute by the 3rd Member of the Board, dated 23rd March 1829. From the state of disorder into which these papers have necessarily fallen, a very considerable time must elapse before we can have them clearly arranged, and so thoroughly examined as to admit of our submitting a full and detailed report upon the different points connected with the income of the institution.

4. To enable us to execute this task, it will be absolutely necessary that distinct instructions upon this point should be conveyed to the Nawab Akbar Ali Khan enjoining him to afford us every assistance in the prosecution of this object, and it would also be advisable that the Collectors of Jessore, Burdwan and the other districts in which the estates of the Endowment are situated, should be directed to place themselves in communication with us on the subject of these mehals.

5. Our own avocations being such as to employ us almost incessantly in other duties, we would beg leave to point out the very great advantage which we should derive from the assistance of Dr. Wise, Civil Assistant Surgeon of the station and Secretary to the Local Committee. We cannot doubt, acquainted as you are with that gentleman's capability, that you will aid us in respectfully recommending this appointment for the consideration of the Board.

6. With regard to the lapse of pensions granted by Hajee Mubammad Mohsin, we beg leave to state that, although the fact of these pensions having lapsed, in numerous instances is perfectly correct, the Nawab Akbar Ali Khan, who conceived himself, it would appear, to have succeeded to the powers which by the will of the founder were vested in the original Mutwalees, has been in the habit of placing new pensioners upon the list whenever the occurrence of a vacancy among the former incumbents admitted of his so doing, and has thus necessarily deprived the College of the immediate benefit they would otherwise have derived from this source.

7. This will, of course, form one of the points into which it will be our duty to enquire, should the Governor think proper to invest us with the powers which we have above solicited.

We have, etc.,

(Sd.) W. H. BELL

(Collector),

E. A. SAMUELS

(Officiating Magistrate),

Local Agents.

ZILLA HOOGHLY, LOCAL AGENTS' OFFICE,

The 2nd February 1836.

Statement explaining the average annual net profits of the Hooghly Imambara together with the probable amount of Funds available for the purpose of a Collegiate Institution.

Disbursements of Estates, Funds, &c.	Income for 1939.	Income for 1940.	Income for 1941.	TOTAL.	Average.	Claimable by the Insambarah.	To be appropriated by the College.	REMARKS.
Average revenue of the Sydper Estate, including the Hoophly Bazar, the Moorally Labhraj and the valuable Mehalas fraudulently alienated by the late Mutwails recovered with some profits estimated at about.	Rs. A. G. E. ...	Rs. A. G. E. ...	Rs. A. G. E. ...	Rs. A. G. E. ...	Rs. A. G. E. 35,000 0 0	Rs. A. G. E. ...	Rs. A. G. E. ...	The Sydper Mehalas having been for some time past considerably in balance, we do not consider the average of the last 3 years would give a correct idea of its capabilities, and therefore prefer adopting the estimate of the Local Committee founded on an average of the three preceding years with the addition of the recovered Mehalas acquired since the Local Agents' report was made. This will, we are confident, be found to be rather below the marks than above it.
{ Kharisore—24 Pergunnahs (Maul) Kantsagunge—Nuddes (Lakhira) Bang Babor—Nuddes (Do.) Bannamgore—Murhidbeac (Do.) Sondhang—Burdwan (Do.) Chitaurah Mehal—Lakhira }	1,733 14 17 1 13 8 0 0 43 0 0 0 14 0 0 0 19 0 0 0	2,052 4 17 0 562 6 15 0 40 8 0 0 4 0 0 0 16 0 0 0	...	...	1,847 2 1 2 335 6 13 0 26 9 0 0 42 8 0 0 11 10 13 1 14 5 6 2	...	1,947 2 1 2 335 6 13 0 26 9 0 0 42 8 0 0 11 10 13 1 14 5 6 2	These Mehalas the late Board with the concurrence of Government gave over to the management of the Mutwail.
1/10th share of Rs. 55,000 being (S. Rs. 12,522-3-11), 1/10th Mutwail's share	6,111 1 15 2	6,111 1 15 2	6,111 1 15 2	18,333 5 6 2	6,111 1 15 2	6,111 1 15 2	...	
1/10th Government share unappropriated	6,111 1 15 2	6,111 1 15 2	6,111 1 15 2	18,333 5 6 2	6,111 1 15 2	...	6,111 1 15 2	
1/10th share of do. being (S. Rs. 24,444-7-5-3) Pundons expected to revert to the College Fund	12,222 3 11 0	12,222 3 11 0	12,222 3 11 0	36,666 10 13 0	12,222 3 11 0	...	...
Hospital agreement to estimate of Local Committee	7,396 0 0 0	7,396 0 0 0	7,396 0 0 0	21,188 0 0 0	7,396 0 0 0	...	...
Establishments on an average of 3 years	5,496 0 0 0	5,496 0 0 0	5,496 0 0 0	16,488 0 0 0	5,496 0 0 0	...	...
Unappropriated to revert.	5,640 0 0 0	5,640 0 0 0	5,640 0 0 0	16,920 0 0 0	5,640 0 0 0	...	...
1/10th share of do. being (S. Rs. 18,333-6-4-3) Expenses of the Insambarah.	6,012 7 2 2	6,012 7 2 2	6,012 7 2 2	18,037 5 7 2	6,012 7 2 2	...	6,012 7 2 2	
Munsefkrishnah agreeably to estimate of L. C.	10,000 0 0 0	10,000 0 0 0	10,000 0 0 0	30,000 0 0 0	10,000 0 0 0	...	...
Unappropriated	2,400 0 0 0	2,400 0 0 0	2,400 0 0 0	7,200 0 0 0	2,400 0 0 0	...	...
	5,932 5 6 2	5,932 5 6 2	5,932 5 6 2	17,799 15 19 2	5,932 5 6 2	...	5,932 5 6 2	
	18,333 5 6 2	18,333 5 6 2	18,333 5 6 2	54,999 15 19 2	18,333 5 6 2	36,943 1 15 2	50,394 2 18 3	

* At a future date.

(Sd.) W. H. BELL,
" E. A. SAMUELS,
Local Agents.

**HOOGLY LOCAL AGENTS' OFFICE,
The 2nd February 1836.**

To J. R. COLVIN, Esq.,

Secretary to the Sudder Board of Revenue,

Fort William.

I did not lose any time in forwarding to the Collector of Hooghly a copy of your letter No. 6,* dated the 11th ultimo, and its enclosures, on the subject of the Endowment at Hooghly.

* *Vide foregoing correspondence.*

2. On a further consideration of the circumstances of the case, it appeared to me to be proper to address to the Local Agent, the letter numbered and dated as per margin,† to that Collector, and the answer given to it, I do myself the honour to call the particular attention of the Board.

† No. 100, dated the 27th January 1836. [*Vide foregoing correspondence.*]

3. The position now occupied by the Government of India in regard to the management of the Endowment at Hooghly, and the inefficiency of the Native Agency that has heretofore been employed, seem to me to render a careful and minute inspection of the accounts of the Mutwalee by the European Local Agents quite indispensable. To enable the Local Agents to do their duty, the powers called for by them in the 4th paragraph of their letter are a *sine qua non*.

4. I heartily agree with the above gentlemen in recommending that Dr. Wise should be added to the list of Local Agents. A long residence at Hooghly, comparative leisure, an intelligent and inquiring spirit, and an ardent desire to communicate to the natives of India the benefits of European knowledge, admirably qualify Dr. Wise for taking an active share in the management of all that relates to the Hooghly Endowment.

5. From the copy of the letter noted in the margin it appears that Government appointed Dr. Wise to the office of Secretary to the Local Committee and authorized him to receive a monthly salary from the funds of the Trust Estate. I request the permission of the Board to authorize the Collector of Hooghly to pay up Dr. Wise's arrears of salary, reimbursing the Government for out of the proceeds of the trust property.

From the Secretary to the General Committee, to the Local Committee at Hooghly, dated the 12th June 1835.

6. Large balances are due from the estates in Jessore. The exact amount of those balances, the causes of their accumulation, and the

chances of their speedy realization will not be clearly ascertained until the Local Agents are invested with full powers of enquiry.

I have the honour to be.

SIR,

Your most obedient servant,

(Sd. E. M. GORDON,

Offg. Commissioner of Revenue.

COMMISSIONER'S OFFICE, 14TH DIVISION,

AT CHINSURAH,

The 9th February 1836.

No. 2242.

To

W. H. BELLI, } Esqrs., Local Agents.
M. S. GILMORE. }
T. A. WISE, Esq. and
ALI AKBAR KHAN SAHIB.

SIRS,

I am directed by the General Committee of Public Instruction to inform you that the Governor-General in Council has been pleased to appoint you members of the Local Committee of Hooghly for the control of the affairs of the College to be instituted on the Fund of Haji Mohammed Mohsin and to discuss and present a plan for that Institution. Dr. Wise will officiate as your Secretary and draw from the Fund a salary of 300 rupees. He will be expected, however, to take a share in the instruction at the College.

I have, etc.,

(Sd.) J. SUTHERLAND,

Secretary, G. C. P. S.

FORT WILLIAM,

12th June 1835.

No. 1759.

To

J. A. DORIN, Esq.,

Accountant to the Revenue Department.

SIR,

In reply to your letter of the 5th instant I have the honour to enclose an account current of the Syedpur Trust Estate in Zilla Jessore brought down to the 31st January last shewing Government securities in deposit to the extent of eight hundred and ninety-eight thousand and four hundred, and a cash balance due to the Estate from the Government Agents of S. Rs. 5,243-10-10 which I trust may be found correct.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE.

FORT WILLIAM,

GOVERNMENT AGENT'S OFFICE,

The 17th February 1836.

SUDDER BOARD OF REVENUE,

21st March 1836.

To

Secretary to Government, Revenue Department.

Sir,

I am directed by the Sudder Board of Revenue to request that you will submit for the consideration and orders of the Right Honourable the Governor of Bengal the accompanying documents relating to the misappropriation of Rs. 23,218 by Syed Alli Akbar Khan, the Mutwallee of the Hooghly Imambarah.

* Mr. Blunt's minute, dated 23rd March 1829, Proposing Rules.
 Board to Commissioner, Alipore, 31st March.
 Commissioner of Burdwan, dated 22nd September, with enclosures.
 Board to Commissioner in reply, 3rd November.
 Commissioner of Alipore, 30th September 1834, with enclosures.
 Board to Commissioner, 23rd December.
 Commissioner of Alipore, 14th January 1835.
 Board to Local Agent, Hooghly, and Commissioner of Alipore, 21st April.
 Commissioner of Alipore, 2nd February, with enclosures.
 Board to Officiating Commissioner, Jessore, 21st April.
 Local Agent, Hooghly, dated the 30th April, with 2 enclosures.
 Board to Local Agent, 11th May.
 Local Agent, Hooghly, 16th May, with enclosure.
 Board to Collector, Hooghly, 20th June.
 Local Agent, Hooghly, 23rd June.
 Local Agent, Hooghly, 7th July.

2. The circumstance which led to the discovery of this misappropriation was the receipt of a precept from the Judge of the 24-Parganahs dated the 15th July 1834, directing the Collector of

that district to prepare a lotbundee of lands comprised in the Trust property of the Imambarah. to satisfy a decree of the Appellate Court in the case of Syed Alli Akbar Khan, the Mootwallee, appellant, *versus* Wasik Ali Khan, respondent, for the sum of Rs. 14,840 due to the latter. The Local Commissioner, on receiving intelligence of the matter, proceeded to ascertain what funds were available to pay the amount decreed in order to avoid, if possible, the sale of landed property. The resolutions of this Board, under date the 23rd March 1829 he found, made provision for a fund to meet outstanding debts by setting aside, for the purpose, the proceeds of the one-ninth share of the revenue of the Imambarah, hitherto paid as salary under the Towleutnamah to a second Mutwallee whose services were discontinued since the sale of the Trust property in the shape of Putnee Taluk. On referring, however, to the Local Agent at Hooghly his enquiries led to his discovering that the Mutwallee had, in contravention of positive orders* appropriated to other purposes the one-ninth ordered to be reserved.

3. On the case being submitted to the Board an explanation of the circumstances was demanded from the Mutwallee, and in reply he

* For these marginal papers which form the enclosures to this letter No. 98, dated 21st March 1836 please see foregoing correspondence.

disclaimed having expended the assets of the one-ninth share for his private use and declared that he had applied this money to meet the charges of the three-ninth and four-ninth funds i.e., to the Madrasa and Hospital and repairs of the Imambarah buildings. He stated as his excuse for abstracting this money, the want of cash at the time and his ignorance of the extent of the restriction imposed on him regarding the employment of this fund. He observed also that when remittances from Jessore were complete the debts of the respective shares would be liquidated.

4. The above explanation being considered unsatisfactory the following distinct queries were proposed to the Mootwallee through the Local Agent and the answers placed opposite are these he furnished.

QUERIES.

On what dates and in what sums was the amount taken?

Why were those sums taken which were strictly to be held in deposit, in preference to applying to the Agent for a loan under Rule 2 of the Resolutions?

Why were not accounts balanced at the end of the year by a return of the sum borrowed from the one-ninth share in accordance with Rule 5 which restricts the disbursements of the several shares to their respective assets?

What is meant by proposing to replace the sums borrowed when there is a surplus since there can be no surplus unless the disbursements on account of the three-ninth and four-ninth shares be reduced?

What measures were taken for this conviction of the cash-keeper for embezzlement and for the recovery of any portion of the loss?

How is it proposed to replace the sum of Rs. 17,918 stated to have been applied towards the three-ninth and four-ninth shares?

REPLIES.

A statement of the particulars is herewith transmitted.

It did not appear from the translation of the Resolutions that I was prohibited from employing the one-ninth share. Moreover it seemed to me improper to apply for a loan, on which interest must have been paid while I had money of the Endowment in hand.

I received no orders from the Board on this point. The funds of large institutions often fluctuate. The income of the Endowment having been considerably reduced by Turuf Busundeah being awarded to Torab Ally Khan, there were no means of replacing the sums borrowed except by applying for loans from Government which would involve the payment of interest.

As Rs. 8,612-11-6½ for the three-ninth share and Rs. 11,666-11-10½ for the four-ninth have been decreed by the Sudder Dewanny on account of Talook Busundeah which will shortly be realized by the sale of sureties' property already attached, it would be in bad faith to reduce the charities of the four-ninth share.

The Magistrate and Local Agent were early informed of the cash-keeper's absconding and Raj Kishen Bukshee was apprehended and convicted. The property of the embezzlers' and their sureties has been attached and has in part yielded Rs. 1,000. The remaining property lies in Jessore.

I have stated above how this sum is to be replaced from the amount of decrees on account of Turuf Busundeah. Further, out of Rs. 1,21,995-11 due from Putneedars of Pargunah Syedpore Rs. 70,915-9-7½ may certainly be realized. I write this without having received the accounts of the past year from which the net balance will be known at once.

5. The Mootwallee it is evident, rests his defence on his ignorance of the extent of the prohibition conveyed in Rule 2 of the Resolutions referred to—a circumstance which would in some degree be exculpatory were there any grounds for presuming such ignorance really existed. But it happens that the Mootwallee applied in the very year in which the resolutions were passed, to receive the proceeds of the other one-ninth share for his personal benefit and was distinctly informed through

*Board's Orders, 3rd November 1829.

the Commissioner of Burdwan * that his claim was inadmissible and that those assets could not be placed at his discretionary disposal.

6. These facts were subsequently brought to the notice of the Mootwallee in an additional query, requiring him to account for his pleading ignorance of the Board's orders thus reiterated to him and his explanation was as follows:—

“After the receipt of the translate of the 23rd March 1829, I made no application to the Local Agent for liberty to employ the one-ninth share. By the translation of the Board's order of 3rd November 1829 it does not appear that it is prohibitory to employ the funds of this share or that it was necessary to keep the same in deposit. It may rather be understood that I shall have no control (بے اختیاری) over that which I wanted.”

7. The Board cannot but regard the Mootwallee's plea of not having

Rule 6 of the Board's Resolutions of 23rd March 1829—

“That the one-ninth share of the net proceeds, which by the Towleutnamah was allotted for the support of the Mootwallee who was appointed to manage the endowed lands at Jessore and which appointment has been discontinued since the sale of the lands in Putnee Talooks be hereafter applied in liquidation of such loans or outstanding debts.”

Extract from Mr. Commissioner Braddon's letter of the 22nd September following paragraph 3 : “Ukbar Ulee Khan represents that there are no debts to be liquidated and that upon the abolition of the office of second Mootwallee the late Board authorized his (Ukbar Ulee Khan's) receiving the proceeds of the share in question addition to the one-ninth which he was previously in receipt of I, therefore, solicit the instructions of your Board respecting the future disposal of it.”

Extracts from the Board's orders on the above dated 3rd November.

Paragraph 2.—“The Board see no reason to alter that part of their resolutions of the 23rd of March which limits the allowances of the Mootwallee to one of the shares that he had before enjoyed, the duties for which they were originally assigned by the Founder having terminated.”

Paragraph 4.—“The Mootwallee is at liberty to suggest any special disbursements which it would be consistent with the intentions of the founder of the Endowment to authorize from the available surplus and the Board will give due consideration to any propositions of his to this effect, that you may think proper to recommend, but in the meantime the resumed one-ninth share of the annual net proceeds from the Estates and the interest on the sums in the hands of the Government Agents, cannot be placed at the discretionary disposal of Syed Akbar Allee Khan.”

been aware of the authoritative nature of the prohibition as a subterfuge unworthy of a moment's consideration. The extracts in the margin appear conclusive on this point. Nor is the reason assigned for the misappropriation entitled to any more weight, for at the same time that a restriction was laid on the use of this money an easy procedure * was pointed out by which upon any emergency an advance of money could be obtained from the public funds. It appears too that loan of Rs. 20,000 was actually obtained by the Mootwallee, in 1832 from the Collector of Hooghly under orders of the Commissioner of Burdwan, though without the sanction of the Board ; and this fact is sufficient proof that no absolute necessity existed for employing the assets of the reserved one-ninth ordered to be held in deposit.*

Resolution of 23rd March
 Mootwallee should not be allowed to contract
 or loan from individuals without the sanction
 of the Commissioner, to be obtained through the
 Local Agent, to whom he should apply whenever
 funds may be required for the purpose of the Endow-
 ment, such funds then to be supplied from any
 surplus proceeds of the endowed lands at Jessore, or
 in cases of emergency by an advance from the
 Public Treasury in anticipation thereof to which
 however the sanction of the Sudder Board must be
 obtained.

1236.

	Rs.	A.	G.	K.
Drawn by Mootwallee	...	5,488	2	6 3
Credited to lapsed share	...	5,488	2	6 3

1237.

Drawn by Mootwallee	...	3,884	10	9 1
Credited to lapsed share	...	2,484	10	8 2
Difference	...	1,400	0	9 3

*† See separate paper annexed.

were not a palpable evidence against the alleged intimation the Board observe that the sentence (*vide* *† translate in the margin) conveying that intimation which was not the main and ostensible object of the Urzee in question, is very obscurely worded and appears to have been introduced not for the purpose of making the Local Agent acquainted with the circumstance, but with a view to serve an ulterior purpose in the event of the detection of the misappropriation; in short to use it in the very manner in which the Mootwallee now endeavours to apply it.

9. There are no means of arriving at positive proof as to whether this amount was actually appropriated to the three-ninth and four-ninth shares or used by the Mootwallee for his personal benefit. The system of accounts established in 1829 is not of a nature to admit of any minute scrutiny into the expenditure or internal economy of management; indeed the necessity for such a supervision was not then contemplated, and any enquiry of that tendency which might be instituted at this remote period could not be hoped to be successful. However, the existing grounds for strong suspicion are, the Board think, very strong and the Board do not hesitate to declare their own impression arising from the whole features of the transaction, that the Mootwallee has appropriated the money to his own benefit, and that had he really wished to make use of it for the alleged emergencies of the three-ninth and four-ninth shares, he would have adopted plain and undisguised steps for obtaining due authority to do so. This impression is corroborated by the existence of accusations against his honesty previous to 1829, which, though not then fully established, were the immediate cause of the

appropriation of the assets of the
 lapsed one-ninth share in a Persian
 Urzee to the Local Agent under
 date the 24th October 1831. But
 this intimation, even if clearly and
 precisely expressed, would not
 justify a previous abduction from
 the deposit funds; nor would it
 in the least have authorized him
 to appropriate the assets of the
 lapsed one-ninth until the autho-
 rity of the Sudder Board had been
 obtained (paragraph 4 Board's letter
 3rd November 1829). For the ac-
 counts of the Mootwallee show a sum
 equal to that drawn by himself
 for 1236 B. S. placed to the
 credit of the lapsed share, while
 in the subsequent year 1237, that
 fund is credited with only two-
 thirds of the amount entered as
 his perquisite. Even if this fact

restrictive rules framed in 1820*. It is, besides, to be apprehended that

*Approved by Government, 30th November 1830.

the individual, who could make use of a large sum of money, the interference with which, (he) had been expressly forbidden, would not scruple to appropriate a part or the whole of it to his own purposes; for the continued and clandestine infraction of those orders, in a warrant, the Board consider the imputation of a degree of duplicity very nearly allied to a direct dishonesty. To this it may be added that had the money been made use of to meet any emergency (though as already noticed such a case was provided for), it was the Mootwallee's obvious duty to replace each sum, so appropriated, so soon as the proceeds of the share to which he had applied it, reached his hands; but the actual conduct of that individual has been the very reverse of this, for he acknowledges having, on several occasions, withdrawn sums belonging to the one-ninth ordered to be reserved without being able to quote a solitary instance of replacement.

10. Such being the circumstances of the case, the Board submit to the Government the propriety of removing Syed Allee Akbar Khan from his office, of appointing another individual as his successor, and of requiring him to refund the sum he admits he has used without authority, but which, there exists strong presumptive evidence for believing, he has applied to his private use.

11. The case now reported affording ample proof of the necessity of inferring, for the future, further restrictions on the expenditure of of the Imambarah revenue and the Board would, therefore, suggest the following rules for the purpose of completely guarding against future misappropriations.

1st.—That a computation be made by taking the average of the net proceeds of the last four years, of the value of a one-ninth share, and that a sum equal to a one-ninth be paid in quarterly instalments to the Mootwallee as his fixed salary.

2nd.—That a like sum be kept in deposit by the Collector as the share of the second Mootwallee.

3rd.—That in respect to the four-ninth share applicable to the

payment of pensions, Hospital charges, and establishments, the Mootwallee be required to furnish a list of the establishments and pensioners, as the Towleutnamah

neither empowers him to increase nor to replace lapses in the pension list; that* the assets be held in deposit until such lists shall have been prepared, revised and made conformable to the Towleutnamah, and that in future all payments to pensioners and establishments shall be disbursed direct

from the Collector's office under observance of all the precautionary

*Extract from the orders of Government dated 6th July 1830, paragraph 5. "The will does not appear to convey to the Mootwallee (whoever he may be) any power to increase the establishment, to augment the number of pensioners, or to substitute others in lieu of those named by the founder."

To this order of Government the Mootwallee demurred, as will appear from the following passage from a letter of the Local Agents to the Commissioner of Burdwan, dated 5th October ensuing.

"He (the Mootwally) further observes that the pension Will, executed by the Founder, invests him with full power to use his own judgment in augmenting, reducing and maintaining all pensions. He takes permission to refer to the orders of Government of dates 3rd September 1819 and 6th October 1820, wherein a very general discretion is allowed him. He conceives likewise that the same principle is upheld by the Muhammadan law in the due administration of such trusts."

rules prescribed for similar disbursement when made on the part of Government.

4th.—That regarding the three-ninth share for the expenses both of the repair of the Imambarah and the observance of religious ceremonies, the Mootwallee shall be required to submit for the consideration and orders of the Local Agents at the commencement of each year, estimates of the proposed appropriation of this money.

5th.—That all sums in the hands of the present Mutwalli be immediately accounted for by him and paid into the Collector's Treasury.

6th.—That the personal Estates of Muhammad Mohsin* now in the

* As per list given in by the Local Agents, 26th August, 1829 :—

	Rs.	A.	G.	C.
Khezerpore, 24-Perganahs, S. Jumna	840	3	9	3
Mofassil produce ...	2,112	12	12	0
Coutagunge, Nudua, Lakhiraj, M. Jumna.	619	10	9	2
Bang Baloer, M. Jumna ...	32	0	0	0
Emanunagore, Murshedabad ...	42	0	0	0
Sonadangha, Burdwan ...	7	0	0	0
Plot of Lakhiraj ground in Chinsurah, Hooghly.	12	0	0	0

possession of the Mutwalli, for which he accounts in his periodical statements, be attached by the Collector of this district, and administered to as may under reference be directed by the Commissioner and the Sudder Board of Revenue but that the

net proceeds derived be held in deposit awaiting orders by competent authority as being assets wholly disconnected with the trust or the jurisdiction of the Mutwalli.

12. The Board propose to report separately on the claim of Syed Alli Akbar Khan to receive a percentage on the sale of the Putnee Taluks in the Syedpore Trust Estate, referred to them on the 7th March last.

I have, etc.,

P.S.—Since the above was written the Board have received the letter from the Secretary to the Governor-General in Council under date the 28th August last. It will be perceived from the tenor of their present report that the assets of the lapsed ½th and accumulations of the lapsed pensions, to which, as it appears from paragraph XI of that letter, the Governor-General in Council looked as available for general purposes of beneficial nature, have been misappropriated by the Government Agent, Alli Akbar, and will not therefore be available retrospectively unless the Mutwalli is required as has been recommended to make restitution.

A copy of the instructions which have been issued to the Local Agents respecting a thorough investigation into the affairs of the Trust from the year 1829 to the present period is submitted for the perusal and approbation of the Right Honourable the Governor.

I have received the Purwanah of the 19th October 1831. According to the said orders the expenses of repairing the Imambarah buildings will be defrayed out of the ½th Fund, but at present there are no assets in that share indeed, I take assets from the share in deposit

to defray the expense of repairs. The particulars are as follows:— The arrangements of Hadjee Mohsin have been improved by Government by the creation of the Putnee Taluks. The rules for the Madrasah and charities have been productive of much benefit. The Hadjees and pilgrims who come to the Imambarah from Lucknow and Delhi, highly extol the Musjid, Madrasah, Hospital and Travellers' House. For several years the affairs of the Imambarah have been in a prosperous state from 1233 to 1237 B. S.; however the trust property was under Khas management and the collusion of the Tehsildar with the ryots has been the cause of much loss. And also through the negligence of the Amlah, the realizations have been deficient.

For this reason the Collector of Jessore dismissed the Tehseeldar, still the balances for the past years amounted to Rs. 86,483-8-7-1. The statement sent herewith under the seal and signature of the Collector will afford full explanation on the point. On these accounts the Holy works suffer much detriment. The servants and pensioners of the establishment who have not received their allowances for six months are loud in their complaints against me. And in this year, Mootwallee has received Rs. 1,975-8-18-0 as his share according to the Towleutnamah. If the Khasmehals are formed into Putnee Talooks and the collections from the Putnee Talooks are urged by the Huzzor, the affairs of the Institution can be conducted in the same excellent way as heretofore. By the orders of the Sudder Board of the 30th December 1823, Rs. 30,000 were obtained as a loan and again Rs. 8,000 by the orders of Government, 1827. These sums were repaid on the receipt of the profits from the Syedpore Estates. And now if the favour of a loan of Rs. 20,000 is granted under Rule 2 of the Resolution of the Board of the 23rd March 1829, it will be of essential service. The statement that was transmitted before regarding the repairs of the Imambarah is now resubmitted. Also Wasik Alli Khan has obtained a decree from the court for Rs. 7,850 on account of interest amounting, with costs, to about Rs. 9,000, a statement of which would have been submitted if it had been received dated 24th October 1831.

ORDER OF THE LOCAL AGENT ON THE PETITION.

The Mootwallee requests by this report a loan of Rs. 20,000 from Government, but it does not appear from what he has stated why the balances of the Mehals have not yet been realised. Ordered, therefore, that a Purwanah be directed to the Mootwallee requiring him to state what part of the arrears of Rs. 86,000 is due from the Putnee Talook and how much from the Mehals held khas, why the balances from the Putnee Talooks have not been realized since that can be easily effected by Regulation VIII of 1819; and why the provisions of that Regulation have not been enforced against the Talookdars. On the receipt of a report to that effect the orders will be issued on the subject of this petition.

Dated 24th October 1831.

To

The Secretary to the Government of Bengal

Revenue Department.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge your letter No. 11 of the 2nd January last, directing the Board with the least possible delay to give effect to the Resolution of Government contained in the 14th paragraph of the letter to the General Committee of Public Instruction.

2nd.—In pursuance of those orders, the Board called upon the Revenue Accountant to prepare in communication with the Local Agents at Hooghly, and to submit as soon as possible a statement of the precise amount of Funds which will be disposable for the purpose of forming a Collegiate Institution on the principle explained in the orders of Government, and simultaneously orders were sent to the Local Agents through the Local Commissioner to co-operate with the Revenue Accountant in the preparation of the statement.

3rd.—I am now directed to submit for the consideration of the Right Hon'ble the Governor of Bengal, an account current received from the Government Agents through the Revenue Accountant shewing a sum of 8,98,400 rupees invested in Government 5 and 4 per cent securities, which yield a yearly sum of interest amounting to Rs. 44,394 inclusive of a cash balance amounting to Rs. 5,243-10-10, and also an abstract statement prepared by the Local Agents on an average of three years' income of the Trust Estates shewing an available yearly surplus of 20,354 rupees after paying $\frac{1}{3}$ th share receivable by the Mutwallis, and the two-ninths set apart for charges of established pensions, Imambarah. hospital, etc.

I have, etc.,

(Sd). J. R. COLVIN,

Secretary to Board.

The 21st March 1836.

No. 34.

To

Officiating Commissioner,
Murshidabad.

SIR,

The Sudder Board of Revenue having had before them your letter No. 169, dated the 9th ultimo, on the subject of the Hooghly Imambarah desire me to communicate as follows.

2. The Local Agents observe in their letter to your address of the 2nd ultimo that the Mutwalli has hitherto considered himself independent of their control, and that they have concurred in that view, under the sanction as they imagined of the Board's Resolutions of the 23rd March 1829.

3. The Board are surprised to see such sentiments put forth directly opposed to the tenor of the Resolutions referred to. The Local Agents must be aware that those Resolutions were framed expressly with the view of checking certain irregularities into which the Mutwalli had fallen and of effectually guarding against the recurrence of similar misconduct. It is, therefore, incomprehensible to the Board how the Local Agents would, otherwise, construe those Resolutions as enjoining the duty of watching over the Mutwalli's administration of the trust.

4. Had the Local Agents acted on this obvious construction of the Resolutions, the affairs of the Imambarah would now have stood upon a very different footing. The Board accordingly look upon the misappropriation (notwithstanding the orders of Government to reserve it) of the lapsed one-ninth of the income of the Endowment, the inattention of the Mutwalli to the orders of Government restricting his powers as to the appointment of new pensioners, and the numerous other irregular acts on the part of the Mutwalli, as constituting serious irregularities which would not have excited, had not the Local Agents neglected to keep up a due and systematic control over him as affording the only means of enforcing his uniform observance of the prescribed Rules respecting pecuniary disbursements. The neglect of the Local Agents is the more reprehensible, since in addition to the powers vested in them by Regulation XIX of 1810, their control was in a manner strengthened by the instructions and prohibitory Rules above noticed.

To prevent however any doubt on this head for the future, the Board are pleased to direct that you will call the special attention of the Local Agents to the following instructions:—

1st.—To enter into a strict and thorough scrutiny of the accounts of the Trust from the date of the Board's Resolutions, 23rd March 1829.

2nd.—To enquire into the condition and resources of the Estates comprised in the Trust, the nature and causes of the balances which have accrued on them, the means in operation to liquidate them, and then to adopt measures for bringing all such balances to account.

3rd.—To enquire into all lapses of pensions from the date of the Government letter (6th July 1830) in which the Mutwalli was expressly told that he did not possess the power of filling up lapses, reporting what parts have been since that date admitted to pensions by the Mutwalli under what considerations and upon what dates.

4th.—To keep a strict supervision and scrutiny over the management of the Estates and over the proceedings of the Mutwalli, to examine closely and audit all his accounts and to check at once the slightest deviation from the Rules already framed on which the Local Agents themselves may draw up to obtain a proper insight into the Mutwalli's management.

You will require a report from the Local Agents, whenever they shall have executed the orders you will give them in pursuance of these instructions, and you will, with your own sentiments, forward it for the Board's consideration.

The 21st March 1836.

No. 529.

To J. R. COLVIN, Esq.,

Secretary, Sudder Board of Revenue,

Lower Provinces.

SIR,

I am directed by the Right Honourable the Governor of Bengal to transmit to you the accompanying copy of an extract, No. 28, from the Proceedings of Government in the General Department, dated the 30th ultimo, and to request that the Board will furnish the General Committee of Public Instruction with the periodical reports therein referred to.

I am,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Secretary to the Government of Bengal.

FORT WILLIAM,

The 12th April 1836.

COPY.

No. 28.

Extract from the proceedings of the Right Honourable the Governor-General of India in Council in the General Department, under date, the 30th March 1836.

No. 81.

To .

The General Committee of Public Instruction.

HONOURABLE SIRS AND GENTLEMEN,

I am directed by the Right Hon'ble the Governor-General of India in Council to transmit for your information the accompanying copy of an extract from the proceedings of the Government of Bengal in the Revenue Department under date the 22nd instant, and to state that the Government Agents will be instructed to hold the interest of the accumulated fund of the Hooghly Imambarah Endowment therein mentioned at the disposal of the Committee for appropriation in the manner ordered by the letter of this Department, dated the 28th October last.

2nd.—The Board of Revenue will further be instructed from the Revenue Department to furnish the Committee with periodical reports of the proceeds of the zamindaree in Jessore, in order that the division of that income may also be made as provided in the same orders.

I have, etc.,

(Sd.) H. T. PRINSEP,

Secretary to the Government.

COUNCIL CHAMBER,

The 30th March 1836.

Ordered that a copy of the foregoing letter be sent to the Revenue Department whence instructions will be issued to the Sudder Board of Revenue for the purposes stated in the 2nd paragraph.

No. 601.

To C. E. TREVELYAN, Esq.

Officiating Secretary, Sudder Board of Revenue,
Lower Provinces.

SIR,

Previously to disposing of the matter to which your predecessor's letter of the 21st ultimo relates, I am directed by the Right Honourable the Governor of Bengal to request that the Board will forward for His Lordship's information the translation of their orders of the 3rd November 1829, furnished to the Mutwallah of the Hooghly Imambarah Endowment or a copy of the same if the original be not forthcoming together with any remarks which they may think proper to offer on the subject.

I am,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Secretary to the Government of Bengal.

FORT WILLIAM,

The 26th April 1836.

To R. D. MANGLES, Esq.,

Secretary to the Government of Bengal,
Revenue Department,
Fort William.

SIR,

In compliance with your letter under date the 26th April, I am directed to submit the original Persian version* of the Board's orders of the 3rd November 1829, which was furnished to the Mutwalli Alloo Akbur Khan.

* *Vide* accompanying Persian papers Nos. 1 to 8 duly attested by the Chambers of the Board and a copy of the Board's letter to the Local Commissioner under date the 3rd November 1829, of which the Persian paper marked A is the translation.

2nd.—In paragraph 9 of their letter of the 21st March last the Board after having attentively considered the facts of the case and the explanation offered by the Mutwalli, have recorded their opinion to be that the Mutwalli has appropriated this sum of money to his own benefit.

3rd.—Giving him, however, the advantage of any doubt which may arise from the absence of direct and positive proof of embezzlement still in the opinion of the Board, his conduct has been so highly irregular, and he has so grossly contravened and neglected the Rules provided specially for his guidance by disbursing, without authority, though he knew it was incumbent on him to solicit authority, funds to a large amount belonging to the endowment, and entrusted to his care as to render him wholly unworthy of future confidence.

4th.—By Rule 1 of the Code of Rules as approved by the Board and sanctioned by Government, he was directed to restrict disbursements to the amount of net proceeds of the endowed land and the several shares to the purposes for which they are intended under the Towleutnamah. the Mutwalli now admits that he has contravened this Rule by misappropriating the proceeds of the $\frac{1}{4}$ th lapsed share to the $\frac{3}{4}$ th and $\frac{1}{4}$ th share. If his story be credited, he not only disbursed the proceeds of the $\frac{1}{4}$ th for other shares, but he made no adjustment and refund of the sums so borrowed at the close of the year, although such a refund was indispensibly necessary.

5th.—By Rule VI also the proceeds of the $\frac{1}{4}$ th lapsed share was to be appropriated to a particular purpose, it had been enjoyed by him for a time after the removal of the second Mutwalli, and this he himself states in his petition transmitted by Mr. Braddon with his letter of the 22nd September 1829, in which he again petitions to receive it ;

† *Vide* Rule 11.

he is told by the Board that he said $\frac{1}{4}$ th† cannot be placed at his

discretionary disposal and that in case of any necessity for disbursements,

† A Copy of Board's letter, dated 3rd November 1829 will be found in the foregoing correspondence. A Persian translation is not traceable.

he must previously obtain the sanction of the Local Agents; yet he does not hesitate to disburse about 1,20,000 rupees of the said ½th without any attempt to obtain the sanction of superior authority.

6th.—The accompanying Persian translation of the Board's Proceedings of the 3rd November 1829 is the identical paper which was furnished to the Mutwalli, Allee Akbar Khan; the point is placed beyond a doubt by the fact of his having furnished it to Mr. Belli with his urzee of the 28th ultimo in conformity with the orders of the Board, and His Lordship will find that the Mutwalli was made fully acquainted with the Board's decision respecting the lapsed ½th. The Board were aware that any copy in the Collector's office might leave room for cavil on the part of the Mutwalli, and the Board would, therefore, make one remark on this subject which is this: that the Mutwalli, who has denied his having been made acquainted with the authoritative nature of the prohibition, has committed himself to a deliberate falsehood.

7th.—The Rules to which the Board have thought necessary to revert were framed expressly and avowedly to guard against any future misappropriation or mismanagement of the Trust, and took their rise from certain accusations, which had been preferred against Ali Akbar Khan, the present Mutwalli, yet he has violated the positive injunctions contained in these Rules, and the consequence is the utter loss of this large sum of money.

8th.—It is not, as if this money had been appropriated to any useful purpose; the annual income of the Trust is a sum separable into nine shares, each share having a distinct object consequently (admitting to be true what Ali Akbar states, and which the Board believe untrue); to take a portion from one share and to disburse it on another share unless the sum be replaced within the year, cannot in any way be justified particularly when there are Rules expressly made to guard against such misappropriation, and which in this case was expressly prohibited.

9th.—Viewing the present case whether with reference to the suspicion excited by the former accusations prepared against the Mutwalli, and which led to the framing of the Rules, which he has now so grossly, if not corruptly, violated, or with reference to our conviction of his unworthiness arising from the undoubted facts, which have been brought to light, and which the explanations furnished by him, have not put aside, or with reference to the altogether unsatisfactory defence he has offered, the Board consider they would not fulfil their duty to Government and the public otherwise than by declaring that they find no reason to alter the recommendation they have already submitted regarding this individual.

I have, etc.,

(Sd.) F. I. HALLIDAY,

Secretary.

SUDDER BOARD OF REVENUE,
Fort William,
The 6th June 1836.

To

F. I. HALLIDAY, Esq.,

Secretary to the Sudder Board of Revenue,

Lower Provinces.

SIR,

The Right Honourable the Governor of Bengal having had before him your letter of the 6th instant, with its enclosures, I am directed to communicate the following observations and orders upon Mr. Secretary Colvin's report of the 21st March last, relative to the misappropriation of certain funds appertaining to the Inambarah at Hooghly by Syed Ali Akbur Khan, the person appointed by Government to administer that Institution, and upon the further information supplied in compliance with the requisition of the 26th April last by your letter first cited.

2. The Board have clearly shewn that Syed Ali Akbur Khan, taking his own statement of the circumstances of the case to be correct, has disobeyed the rules specially laid down for his observance, and the clear letter and spirit of the reiterated orders of the 3rd November 1829 (of which it is proved that he received a very sufficient translation) by appropriating the accumulated proceeds of what is termed the lapsed $\frac{1}{4}$ th share to the uses provided for by the proceeds of the $\frac{1}{4}$ th and $\frac{1}{4}$ th shares, and the Governor concurs with the Board in opinion that there are strong grounds for suspecting that the money avowedly taken from the lapsed $\frac{1}{4}$ th share, has not been truly accounted for by the Mootwallee in the statement dated the 30th of April

Account of $\frac{1}{4}$ th share :—

Total Rs. ...	23,731
Total disbursements appropriated to uses of $\frac{1}{4}$ th share ...	5,671
Do. $\frac{1}{4}$ th share less money replaced ...	11,247
Embezzled by late cash-keeper ...	5,299
Balance in hand ...	1,513
	<hr/>
	23,731
	with fractions.

last and signed by Mr. Collector Belli, of which an abstract is given in the margin, but has been embezzled by Syed Ali Akbur Khan. That person has been allowed ample opportunities for explanation and defence, but what he has urged with that tendency is altogether insufficient and unsatisfactory. His reply to the additional query relating to the orders of the 3rd of November 1829 as given in paragraph 6 of the Board's report of the 21st March last is specially futile.

3. Further it is evident from the opening paragraphs of Mr. Blunt's minute of the 23rd of March 1829 that the conduct of the Mootwallee previously to that date had been such as to subject him to grave suspicions of fraud. Mr. Blunt who argues in his favour on the grounds of prior good character and of "the absence of any clear and incontestable proof of misconduct or abuse of trust" admits that the Collector of Jessore had undoubtedly brought to notice discrepancies

and errors in the accounts of the establishment furnished by the Mootwallee which, at an earlier period, it might have been proper to enquire into, and the Board now state that the existence of accusations against the honesty of Ali Akbur Khan, was the immediate cause of the restrictive rules framed in 1829 against which that person has since so seriously transgressed.

4. Under the circumstances the Governor considers it to be his duty to direct the immediate dismissal of Syed Ali Akbar Khan from the Mootwallyship of the Imambarah at Hooghly. The Board will be pleased to direct accordingly and to nominate a successor to the office for His Lordship's approval; whoever may be appointed to the office ought to be required to furnish security for his faithful discharge of the pecuniary trust confided to him.

5. If the Board are of opinion that they can establish the fact of embezzlement against the Mootwallee now dismissed, by legal evidence, or that there is any process by which they can compel him to refund to the Institution the sums which they believe him to have misappropriated, they have the Governor's license to proceed, either criminally or civilly, against the Ali Akbur Khan. But His Lordship apprehends that unless other evidence than that now before Government, be forthcoming, the loss which the funds of the Imambarah have sustained is irretrievable. This persuasion is the more mortifying, because it is evident that if the Local Agent had been but tolerably vigilant and attentive to his duty, the gross irregularities or frauds (whichever they may be) of which the Mootwallee has been guilty, could not have been committed with impunity.

6. In point of fact Mr. Belli appears to have exercised no control at all over the proceedings of the Mootwallee. He admits as much, indeed, in his remarks of the 16th of May last appended to the Mootwallee's reply to the Board's query of the 7th idem, and it appears from the 2nd paragraph of your letter to the Officiating Commissioner of Murshidabad dated the 21st ultimo, that in a letter of the 2nd of February last (not sent up), the Local Agents avow "that the Mootwallee has hitherto considered himself independent of their control and that they have concurred in that view, under the sanction, as they imagined, of the Board's Resolution of the 23rd March 1829."

7. These, as the Board justly remark, are very surprising sentiments to be held by officers acting under Regulation XIX of 1810, and with their hands strengthened by the very Resolution, which they have regarded as restraining their interference. The Board will be pleased to call upon Mr. Belli to submit to Government through their office a full explanation of his apparent supineness in permitting the misappropriation of the proceeds of the one-ninth share, directed to be kept in deposit, with especial reference to the clear and explicit orders upon that head, conveyed by paragraph 4 of the Board's orders of the 3rd of November 1829, in connection with the circumstances that the Mootwallee did allude to the employment of those proceeds in breach of orders in his petition requesting the loan of Rs. 20,000, though the

allusion was brief and obscure, and that (as appears from the Collector's remarks of the 30th of April last upon query No. 2) these abstractions appear to have been entered in the accounts rendered to Mr. Bell's office by the Mootwallee from time to time.

8. With regard to the future, the Rules proposed by the Board in paragraph 11 of your letter are generally approved. These with their instructions of the 21st ultimo (21st March 1836?) to the Local Agents, appear to provide sufficient checks against malversation. But they must of course insist upon the supervision and control of the Local Agents being practically efficient. The best system, if never enforced, will be so much more than useless, that it will generate a vain confidence of security. But as minute and vexatious interference with the concerns of an Institution partaking largely of a religious character is to be deprecated, His Lordship does not doubt that the Board will be able to devise a plan which shall combine the protection and due apportionment of the funds, with such a degree of free action on the part of the Mutwalli, in regard to all matters of detail and subordinate administration, as shall, as well, preclude the necessity of any interference on the part of the Government in matters connected with religion, as the excitement or irritation or discontent among the Mahomedan population connected with or interested in the Imambarah.

9. With reference to No. 3 of the Rule above noticed and to the orders of Government dated the 6th of July 1830, the Governor directs that all pensions granted by the Mutwalli subsequent to that date, and in defiance of those orders, (which his remonstrance proves that he understood) be immediately cancelled. But the instructions of the Board to the Local Agents in regard to this matter ought nevertheless to be carried into effect.

10. The original papers received with your letter are herewith returned.

I am,

SIR,

Your most obedient servant,

(Sd.) R. D. MANGLES.

Secretary to the Government of Bengal.

FORT WILLIAM,

The 14th June 1836.

SUDDER BOARD OF REVENUE,
The 20th June 1836.

No. 143.

To

THE LOCAL AGENTS,
Hooghly.

SIR,

I am directed by the Sudder Board of Revenue to transmit to you the accompanying copy of the orders of Government No. 889, dated the 14th instant.

2. You will be pleased to cause the immediate dismissal of Syed Ali Akbar Khan, Mutwalli of the Imambarah at Hooghly, and you will, for the present, conduct the current duties of the Towleut by means of the unlah now in the Mutwalli's office until a successor can be appointed requiring the Deputy Mutwalli immediately to take charge of the office and all records belonging to it from Syed Ali Akbar Khan.

3. The Board request that you will expedite the enquiries which you have commenced into the Mutwalli's accounts as it is highly desirable that everything connected with his past administration should be brought to light without loss of time.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary.

No. 26.

To F. I. HALLIDAY, Esq.,

Secretary to the Sudder Board of Revenue,
Fort William.

SIR.

We have the honour to acknowledge the receipt of your letter of the 20th instant, with its enclosure, and beg to state that we have this day carried into effect the orders of Government respecting the dismissal of Syed Akbar Allee Khan and the temporary appointment of Meer Ghalib Allee.

2. We consider it our duty at the same time to inform the Board that Meer Ghalib Allee is the son-in-law of the late Mutwalli, and has, for many years past, had the real, although not the responsible, management of the Institution, adverting to this fact, we have considered it advisable pending the instructions of the Board, to remove all the money belonging to the $\frac{1}{4}$ th share from the Imambarah to the Government Treasury. Trusting that this step will meet with the approval of the Board.

We have the honour to be.

SIR,

Your most obedient servants,

(Sd.) W. H. BELLI.

(Sd.) E. A. SAMUELLS.

(Sd.) ILLEGIBLE.

Local Agents.

LOCAL AGENTS' OFFICE, HOOGHLY,

The 22nd June 1836.

25th June 1836.

No. 147.

To

The Local Agents, Hooghly.

GENTLEMEN,

The Sudder Board of Revenue having had before them your letter No. 26 of the 22nd instant, direct me to instruct you in reply to place for the present any person in charge of the affairs of the Towlent who, in your judgment, may appear trustworthy, and preventing all interference in them by Meer Ghalib Allee, of whom you state that he is a near connection of the late Mutwalli.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary.

No. 28.

To
F. J. HALLIDAY, Esq.,
Secretary to the Sudder Board of Revenue,
Fort William.

SIR,

In conformity with the orders conveyed to us in your letter of the 25th instant we have the honour to inform you that we have selected Syed Zynuddeen Hossain, the son of Maulvi Kurm Hussain Khan, for the present charge of the affairs of the Hooghly Imambara.

2. The limited number of respectable Sheas resident in Hooghly has left us little choice in the selection of a person for this office. We have, however, been acquainted with Moulvi Zynudeen for some time past, and have perfect confidence in his judgment and abilities. We trust, therefore, that his appointment will prove favourable to the interests of the institution.

3. We have sent for the Syed to Calcutta and shall appoint him on his arrival.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) W. H. BELL,
„ E. A. SAMUELS,
„ WISE,

Local Agents.

LOCAL AGENTS' OFFICE, HOOGHLY.

The 29th June 1836.

No. 155.

Sudder Board of Revenue.

To
BELL, Esq.,
Local Agent, Hooghly.

Sir,

I am directed to forward for your information, copy of a letter
from the Sudder Revenue Department of 14th
ultimo,* No. 889, and to request that you will
submit through the Board the explanation called for in paragraph 7 of
that letter.

* *Vide* preceding papers.

I have, etc.,

(Sd.) ILLEGIBLE.

The 5th July 1836.

Sudder Board of Revenue.

To

Secretary to Government,

Revenue Department.

SIR,

I am directed by the Sudder Board of Revenue to request that you will submit* for the consideration and orders of the Right Honourable the Governor of Bengal the accompanying copies of their respective notes involving a difference of opinion regarding the selection of a suitable person to fill the office of Mutwalli to the Imambarah at Hooghly.

2. For this appointment there are twelve applicants, many of whom being of the Soonce persuasion are disqualified. Of those to whom this objection does not lie, the Senior Member is of opinion that Mirza Mohamed Ishpahanee, a merchant of great respectability and considerable wealth, is the most eligible provided he devotes sufficient time to the performance of the duties which he promises he will do. To his nomination, however, the Junior Member objects on the ground that his occupations, unless he should relinquish his mercantile pursuits, would not leave him time to devote sufficient attention to the faithful discharge of the responsible duties that would devolve on him, and the performance of which is totally incompatible with his residing elsewhere than Hooghly. In addition to which the Junior Member is aware of no claim on the score of previous service, which can be advanced by him as entitling him to succeed to so valuable and honourable appointment. He considers that Moulvi Zainuddin of whose abilities and judgment the Local Agents in their letter to the Board of the 29th June last (copy of which is herewith sent) speak highly, would be the preferable person of the present applicants to fill the

* The Junior Member begs to refer to his further note of the 25th instant, and the proceedings of Madrisa under date the 11th August 1832, respecting this candidate.

situation but he is by no means satisfied with the nominations* being desirous that the appointment should be given to some person, whose previous well-earned character would be a pledge to the Government for his faithful discharge of the duties of Mutwalli.

3. Zoinudeen is only 21 years of age, and the Senior Member withholds his consent to his appointment on the score of his youth and for the other reasons assigned.

4. The original applications of the two above named candidates are herewith submitted for His Lordship's inspections.

(Sd.) ILLEGIBLE.

The 20th August 1836.

No. 336.

To

Secretary to Government,
Revenue Department.

SIR,

I am directed by the Sudder Board of Revenue with reference

MINUTES.
1836.

• Second Member 5th July.
Senior ditto 5th "
Second ditto 9th August.
Senior ditto 11th "
Second ditto 13th "
Ditto ditto 25th "
Senior ditto 26th "
1832.

Madrasa Proceedings 11th August.

selection of a suitable person to fill the office of Mutwalli to the Imambarah at Hooghly.

2nd.—For this appointment there are fifteen applicants as noted in the margin, some of whom being of the Soonee persuasion, are disqualified; of those to whom this objection does not lie, the Senior Member is of opinion that Mirza Muhammad Mehdee Ishpahanee, a merchant of great respectability and considerable wealth is the most eligible, provided he devotes sufficient time to the performance of the duties, and which he promises he will do. To his

nomination, however, the Junior Member objects on the ground that his occupations unless he should relinquish his mercantile pursuits, would not leave him time to devote sufficient attention to the faithful discharge of the responsible duties that would devolve on him, and the performance of which is totally incompatible with his residing elsewhere than at Hooghly. In addition to which, the junior member is aware of no claim on the score of previous service, which can be advanced by him as entitling him to succeed to so valuable and honourable an appointment. He considers that Moulvi Zynooddeen, of whose abilities and judgment the Local Agents in their letter to the Board of the 29th June last (copy of which is herewith sent) speak highly, would be the preferable person of the present

applicants to fill the situation, but he is by no means satisfied with the nomination* being desirous, that the appointment should be given to some person, whose previous well-earned character would be a pledge to the Government for his faithful discharge of the duties of Mutwalli.

3rd.—The Senior Member bids me state, that his original objection to Zynooddeen was that he is only 21 years of age, but since then the Board have obtained from Captain Onsely the proceedings of the

† Not traceable.

information from the same source, Madrassa (annexed to this letter marked † A) which, together with

‡ Senior Member bids me solicit attention to the concluding part of the 4th paragraph of that note and to the orders of Government dated 21st June 1833.

of the 25th and to the Senior Member's † note of the 26th ultimo. These papers will shew that the additional objections

now exhibited against Zynooddeen are—1st, that he did not leave the Madrassa creditably; 2nd, that he has no claim of service rendered to the State or other respectability of character established to entitle him to the Board's recommendation for such an appointment. The Senior Member has further observed that he attaches more importance than his colleague appears to do, to the circumstances of discredit connected with Zynooddeen's resignation of the Madrassa and particularly because he refused investigation, and entertaining this opinion, the Senior Member has proposed that Zynudeen be immediately removed from the temporary charge of the office of Mutwalli, given to him by the Local Agents, manifestly without due previous enquiry. The Junior Member conceives that he has already visited Moulvi Zynudeen Hossain with consequences fully commensurate to the extent of his juvenile indiscretions in the Madrassa by withdrawing from him his nomination to the situation of Mutwalli. He cannot consent to attach a stigma to his name which would be prejudicial to his future prospects in life, by removing the Moulvi from the temporary charge of the office during the brief period he will officiate.

4. All the original applications of the candidates are herewith submitted for His Lordship's inspection.

I have etc.,

(Sd.) ILLEGIBLE.

SECOND MEMBER'S MINUTE

HOOGLY MUTWALLISHIP.

There are two applications in the bundle. Ahmed Kubeer who from his being a Soonee is disqualified.

Mirza Mahomed Mehdee Ishpahanee: a merchant of great respectability, and I hear of considerable wealth.

There is, therefore, no selection in the case, the latter personage, if it be correct that he has considerable mercantile business, which occupies a great portion of his time, could only be eligible to this well-paid and important situation, provided he relinquished his business and gave up his whole time to the affairs of the Towleut.

2. I am inclined, however, to think that we should make no hasty choice that greater publicity should be given to the circumstance of the situation being vacant; there is not a doubt that if this is done many more applicants will appear. I think we should also make due enquiry whether there may not be any Muhammadans, who have gone through a long service under Government, sustaining a high character for fidelity and integrity and ability such, for instance, as the class of Sudder Ameens, etc.; this information might be acquired by a reference to the Secretary in the Judicial Department.

(Sd.) C. W. SMITH,

5th July 1836.

SENIOR MEMBER'S MINUTE.

I have had read to me a great many petitions, and I request, as they are recorded, our Secretary will have the goodness to have them laid before the Junior Member. If the Secretary in the Judicial Department will take the trouble of this piece of patronage by all means, let us write to Government to make it over to him and relieve us of it but I object to half measures. We are or we are not able and competent to make a selection. I think it would be more gratifying to the Mahomedan population to have a Mutwalli who had not been a Government stipendiary, and more specially one who had not been in the abuse of power over them. Were it an English Endowment and in England, the priests would soon prevent such an appointment being made a means of saving a pension to Government or a job by serving Government officers. The public have very few opportunities of being served and these appointments ought to be filled by selection of proper individuals from the people.

All I desire is that a Shea of great respectability in point of character and talent, such a man as would be universally respected and liked, such a man as would do honour to the station, and not the station do honour to him, should be selected and appointed. These objects cannot be attained by our choosing any of our own officers. The public desire a disinterested person, and it may be they will say it is a job.

(Sd.) J. PATTLE.

5th July 1836.

I have carefully read the applications for the situation of Mutwalli. It is unfortunate enough that the only candidates who possess the requisite qualifications of "past employment" and "weight of character"

combined, should be Soonees. They are Ahmed Kabir, the Enam of the Madrasa for the last 27 years, and Hafizuddeen Ahmed, the principal Sudder Aumeen of the Civil Court of the 24-Parganas.

The endowment is of the Shea persuasion and it would, therefore, be highly inexpedient to appoint a Soonee. Of the remaining applicants, I consider Moulvi Zynuddeen to stand next. He is a well-spoken and intelligent man, was educated at the Madrasa, and was deemed so good a scholar both in Arabic and English at the recent examination of candidates for oriental Masters to the Hooghly College that he was selected by Messrs. H. Shakespear and Sutherland and myself for one of the situations.

He also appears to have the confidence of the Local Agents who in their letter of the 29th June last speak of Moulvee Zeenuddeen as a person in whose judgment and abilities they have full confidence. He is 23 years old and looks more than that age. I have thus given my opinion as to the candidate I should select from among those who have applied for the situation, but I must own that it seems to me, we might have found an individual better qualified than any one who has come to us so far as past employment is concerned, had we carried our enquiries into the Judicial Department whence among the principal Sudder Ameens or Moulvees of the Courts, an individual might have been found whose well tried integrity of character might add the claim of long service and official experience, and whose selection might prove a stimulus to the whole body of native functionaries in the Judicial and Fiscal Departments.

(Sd.) C. W. SMITH,
Second Member,
The 9th August 1836.

SENIOR MEMBER'S MINUTE.

I have no objection whatever to our enquiries for a fit person being extended and prolonged, if, by so doing a more fit candidate than any that have yet petitioned can be found. I repeat, all I desire is, that a Sheea of great respectability in point of character and talent, such a man as would be universally respected and generally approved, I mean such a man as would do honour to the station, and not receive honour from the office, should be selected and appointed.

2nd.—As it is a post of considerable responsibility and trust and as great abuses have prevailed during the time of the late Mutwalli, it appears to me highly advisable that his successor should be a man of independent circumstances and not an individual with whom the stipend of one-ninth would be positively necessary as a source of maintenance, and therefore the principal object for which the appointment would be sought.

3rd.—I mean no disrespect to the Local Agents, but I place no particular confidence in their opinion. Mr. Belli's neglects occasioned, that the late Mutwalli's malpractices have remained so long concealed, and Mr. Samuels and Mr. Wise have had no opportunities or experience, but were it otherwise I would never give my consent to the appointment of Moulvi Zynuddin. His age would make the appointment absurd in the eyes of the people. What should we think of a Bishop barely past his minority or of the Government, who would expect the people to approve and respect such a choice. But that the natives are beyond all other people, forbearing and submissive, I should expect, they would forcibly resist and expel such an individual, if appointed Mutwalli. For a priesthood in all countries there is a strong prejudice in favour of age and great experience, and assuredly this prejudice exists nowhere to so great a degree or with such invariable force as with the Mahomedans.

4th.—I have understood after particular enquiry that all our Sudder Ameens and Law officers are Soonees, otherwise there may be amongst them some men in all respects qualified for such a trust, but official service and experience would to my judgment, constitute no ground of qualification. I have yet to learn that being a good Judge or a good Lawyer will help to qualify a man to be a good priest or that the education and practice required to form the former, can, in any degree assist in qualifying for the latter.

5th.—Of all the candidates that have yet presented themselves, I should say the Sheea sect of the Mahomedan population would prefer Mirza Mohammed Mohdee Ishpahaneo, of course he would not be selected unless he can afford time to perform duties. He has an Imambarah and for years has presided in it. Amongst his sect, indeed, everywhere he bears a high character and as he is reported to be very wealthy, it is fair to presume he seeks the appointment because it would be in the eyes of people an honourable distinction; I believe no persons in Calcutta are more competent to form from their experience of Asiatic literary attainments a more correct judgment than Mr. W. H. Macnaghten and either Mr. H. T. or Mr. J. Prinsep and I am content, if my colleague will assent that we should solicit them (not officially) to make a selection from the candidates giving them the petitions and our opinions or not as my colleague may prefer.

(Sd.) J. PATTLE,

The 11th August 1836.

SECOND MEMBER'S MINUTE.

I do not wish to prolong this discussion but I have made myself badly understood, if I have not clearly shewn that it is not my wish to confine the nomination to the present applicants and that

my selection would not, in all probability, fall upon Zynooddeen, had the Senior Member consented to the more extended enquiry for a suitable individual to fill the post of Mootwallee which I previously advocated.

Mirza Mohamed Mehdee Ishpahanee is a respectable merchant and is said to be wealthy but his very occupations unless he agreed to relinquish his trade, would make him ineligible for the situation of Mootwallee.

The Mootwallee is not a Priest, nor has he any concern with the performance in his own person of religious ceremonies. He is the guardian of all matters appertaining to the Waqf, and the general Superintendent to protect the interests of the trust and to look after the affairs connected with it. I do not, therefore, perceive the relevancy of the comparison to Priests and Bishops; I request that a letter may be submitted to Government, mentioning the nomination of each member and a copy of the several notes of the members which will show the nature of the difference of opinion better than any detailed letter could do.

(Sd.) C. W. SMITH.

The 13th August 1836.

The delay in transmitting our reference to Government arising from the unexpected circumstance of the minutes written subsequently to my note of the 9th August, having been mislaid, enables me to annex to the papers which will accompany the reference, a copy of the proceedings of the Calcutta Madrasah under date the 11th August 1832.

4. I have little doubt, however, that an individual of the Sheeah sect possessing such a high character, may be found by instituting enquiries in the Judicial Department, which will be so much better made by the issue of orders from Government in that Department.

5. I do not conceive it necessary to delay this reference with a hope of the Minutes being found, which are now missing. They contained little else of consequence, save the objections of my colleague to the nomination of Zeenuddeen which I had made conditionally in my note of the 9th instant. the objections founded upon his being too young for the appointment and of the inexpediency of vesting one so young with the discharge of all the religious rites appertaining to the priesthood, with an argument founded by the analogous case of a Bishop or of a Priest in our own church being invested with such functions and placed in the pulpit at so tender an age.

6. To this, in my succeeding note I objected that the appointment of Mootwallee was not in any respect of a religious nature

wholly restricted to the general superintendence of the interests of the Trust.

7. The more I consider the previous history of this Trust from the period when by the demise of the Founder, it fell into the hands of Mootwallees, the more am I convinced that the greatest caution should be observed in the present selection of such an officer.

8. From the very first, the office has been abused, the former Mootwallees alienated the villages by false and fictitious deeds, and they, as well as the last Mootwallee, grossly abused the confidence placed in them and embezzled the Funds to their own private purposes.

9. Upon this head, I am unable to discover any guarantee we should possess, were Hazeer Mirza Muhammad Ishpahaneer nominated to the appointment which would prevent the recurrence of similar scenes not by himself, but by those, whom, from his other avocations, he would necessarily depute to perform the duties.

10. We require an individual who can give his whole time to the interests of the institution, who is prepared to reside at Hooghly and to give up all other pursuits, who can bring the evidence of a life spent in the active discharge of responsible public duties, to inspire us with the requisite confidence and to whom we can look for a personal discharge of the duties, instead of his confiding them to a Deputy. It is for these reasons that I dissent from the appointing of Hazi Mirza Muhammad Mehdee Ishpahaneer to this office.

11. In the above remarks I wish to be distinctly understood, as not impugning, in the slightest degree, the character of the Hajee who is reputed to be a wealthy and respectable merchant.

12. I request that no further delay take place in referring this subject to Government and that this note may accompany the reference.

(Sd.) C. W. SMITH.

The 25th August 1836.

NOTE BY SENIOR MEMBER.

The only importance I attach to the non-inventor notes, discussing the merits of Zynooddeen and Haji Mirza Muhammad Mehdee Ishpahani, two of the candidates for the office of the Mootwallee to the Hooghly Endowment, the evidence given that public papers of real consequence may be equally lost, otherwise the notes in question were merely of a desultory nature, and marking nothing but that we differed in opinion respecting the merits of the above candidates assigning reasons which might easily be much more briefly stated and condensed into a paragraph or two of a letter.

2nd.—I have all along professed willingness that our enquiry for fit candidates should be extended if by that means we could obtain

more qualified individuals than those that have offered. I have declared that my sole desire is that an individual should be selected who could confer and not receive honour from the institution, who would not seek the post for the sake of its stipend and who would by his wealth and respectability give us the best security against the recurrence of the disgraceful conduct of the preceding Mootwallee. With these notions I considered that of the candidates who offered themselves Hajee Mirza Muhammad Mehdee Ispahani was not only decidedly the one to be preferred, but that he combined in himself the qualifications I desired, provided he could afford (as he promised) time sufficient for the due performance of the duties. I admit that I have been under a misapprehension in supposing that part of the functions of the Mootwallee were sacerdotal. I find on more perfect enquiry they are the following.—

1st.—The managements of all arrangements during the 10 days of the Mohurram such as the feasting the people of town and feeding the poor and indigent.

2nd.—The lighting up of the Imambarah during the Murcia ceremonies in remembrance of the deaths of Hussein and Hossein and in the performance of service in honour of the pure Imams.

3rd.—Superintending the entertainment at the close of Ramjan on the breaking up of the fast.

4th.—The charge and superintendence of the Madrasa.

5th.—The distribution of stipends.

6th.—Furnishing reports and defending the Endowment in the Courts.

3rd.—I understand my colleague to be now convinced that Zynooddeen is not a proper person to be recommended to Government for the office of Mootwallee of the Hooghly Imambarah.

4th.—He says my objections to Zynooddeen have been much of a similar nature, excepting that I am inclined to lay more stress than my colleague does upon the circumstances of discredit connected with his resignation of the Madrasa. I am content however now to perceive that we are quite agreed that Zynooddeen should not be recommended. I think of the other applications that of Hajee Mirza Mohammad Mehdee Isphanee is most entitled to preference, but I fully agree to the nomination being left to the Government. There being therefore no difference of opinion between us excepting whether Hajee Mirza Mohammad Mehdee Ishapahnee shall be recommended or not. I think we are not warranted in troubling the Government with all our desultory notes discussing this question, more particularly as all we have now to say may be embodied in short letter.

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(Sd.) J. PATTLE.

The 26th August 1836.

HOOGHLY IMAMBARAH CASE.

JUDGMENT OF THE SUDDER DEWANNY ADAWLUT.

WASIQ ULI KHAN, APPELLANT,

versus

THE GOVERNMENT, RESPONDENT.

THE suit out of which this appeal arose, was originally instituted

1836

September 22.

The zillah court having held that the mootawullee or trustee of a religious endowment who had been ejected from the trusteeship by the revenue authorities, on proof of corruption, could not sue for restoration to the office, it was ruled by the Court of Sudder Dewanny Adawlut that such suit was cognizable by the civil court.

The plaintiff alleging that he had been illegally ejected by the revenue authorities, sued for restoration to the office of trustee in virtue of a towleutnamah executed by the then mootawullee, who had himself been appointed under a testamentary trust with power to nominate his successor. The Sudder Dewanny Adawlut, being of opinion that the plaintiff had never been put in possession of the trust under the deed of nomination and appointment in his favour, dismissed the claim, but recorded their opinion that subject to the decision of Government, the plaintiff had the best claim to the trusteeship.

Two judges having arrived at the same general conclusion in regard to the judgment in a case, but differed as to a material fact, with special reference to which, the first judge had sent on the case for another voice, the Sudder Dewanny Adawlut held that the decision was incomplete, and that the case must be submitted to another judge.

by a duly executed sunnud the management of the affairs of the Imambarah. On the 9th Bysakh 1213 B.S., Hajee Mohummud Mohsin gave the zemindaree, haut, &c., above detailed in permanent appropriation for religious purposes, and appointed Rujub Uli Khan and Shakur Uli Khan, the plaintiff's father and brother-in-law, mootawullees or trustees of the endowment, and wusees or executors of the same. The deed of appropriation reciting that the Hajee had no children, or grand-children, or other relatives, who would be his lawful heirs, stated that the zemindaree of pergunnah Syedpore, &c. (as per separate detailed list) had been given by him in permanent appropriation for certain religious purposes: it provided for the appointment of the two

by the appellant against the respondent in the zillah court of Hooghly, for the possession of the towleut or trust of the Hooghly Imambarah, under the will of Hajee Mahomed Mohsin deceased, and for the sum of Rs. 7,199-7-14 being the amount of one year's allowance due to him as trustee, from the produce of the lands appertaining to the endowment. The suit was instituted on the 4th October 1825.

The plaint set forth that Hajee Mohummud Mohsin inherited from the year 1210 B. S. the zemindaree of pergunnah Syedpore and Sobhnal in zillah Jessore, and the haut or market, bazar, house furniture and chattels belonging to the Imambarah, from the estate of Munnoo Jan Khanum deceased, and held possession of the same as proprietor. He had no issue of his own, and in consequence took Rajub Uli Khan, the father of the plaintiff, into his family as his son, maintained and educated him, and committed to him the management of all his affairs. In like manner Munnoo Jan Khanum took into her family the plaintiff's mother and gave her in marriage to his father, to whom was consigned

siq Uli Khan
 Government. persons above mentioned to the trusteeship of the endowment, and en-
 joined that, after the payment of the Government revenue, the
 produce of the endowed lands should be divided into nine shares,
 three of which were to be appropriated to the maintenance of certain
 specified religious ceremonies, two shares to be divided in equal por-
 tions between the trustees for their personal expenses, and the remain-
 ing four shares to be assigned to the payment of the necessary
 establishment, and other persons mentioned in a separate list under
 the Hajee's signature. The deed gave full power to the trustees after
 the death of the Hajee, as to the general management of the estab-
 lishment, and authorized either of them, in case of inability to dis-
 charge the duties of the trust, to appoint another trustee in his
 place. This deed was duly signed, attested, registered, and delivered
 to the trustees, whose names were then recorded in the collector's
 office as the parties in possession of the muhals. Agreeably to this
 testamentary trust, the trustees were acknowledged by the Board of
 Revenue as the parties seized of the lands and they managed the
 trust, both during the life time of the appropriator and after his
 death. In the month of Bysakh 1220 B.S., Shakur Uli Khan, being
 seriously ill, appointed his son, Bakur Uli Khan, to the trusteeship
 in his room, and shortly after died: and in the month of Magh of
 the same year, the plaintiff's father, being very old and infirm, in
 like manner appointed the plaintiff to succeed him in the management
 of the trust. Under these circumstances the plaintiff and Bakur Uli
 Khan had the best right to the management of the establishment
 under the three-fold sanction of the deed of trust, the Mahomedan
 law as applicable to the case, and the provisions of Section 2, Regula-
 tion V of 1799. In spite of this, the Board of Revenue and the
 collector of Hooghly, acting avowedly under Regulation XIX of 1810,
 on the 16th November 1815, deputed one Syed Uli Ukbur Khan, as
 ameen and temporary manager, with instructions to pay the wages of
 the establishment and the allowance of the mootawullees, and after-
 wards made over to his charge the lands attached to the endowment.
 The consequence was that the estates fell into balance to government,
 and the business of the establishment was greatly impeded. On this
 the Board restored the trust to the Mootawullees, as shown by the
 perwanch, or order of the collector of Jessore, dated 9th July 1816.
 The plaintiff and Bakur Uli Khan discharged the Government revenue
 by means of loans raised for the purpose; but the Board of Revenue
 in the month of September 1818, without any investigation or enquiry,
 again ejected them from the superintendency of the establishment and
 the management of the lands, which they again entrusted to Uli Ukbur
 Khan. As up to this time the name of the plaintiff's father continued
 in the collector's registry, he applied to the Board for the release of
 the lands from attachment; but the Board, contrary to the Regulation
 above cited, rejected the application on the ground that the applicant
 had no claim to any thing beyond the devise or trust mentioned in
 the deed of appropriation; they refused to restore to him the posses-
 sion of the lands, the collection of the rents of which they put under
 charge of the collector, and directed that officer, after payment of the
 Government dues, to divide the profit in the manner directed in the

trust deed. On this the plaintiff submitted an application to the ^{Wasiq Uli Khan} ~~versus~~ ^{The Government.} Sudder Dewanny Adawlut, which Court referred him to a regular suit under the provisions of Section 15, Regulation XIX, 1810. Meanwhile Bagur Uli Khan, the plaintiff's joint trustee, became insane, and the plaintiff instituted, in his own name, an action, in the provincial court for the Calcutta division, which in consequence of an informality in the plaint was struck off the file. The plaintiff now renews his claim, maintaining that, according to the regulations of Government, the Mahomedan law, and the terms of the trust, the revenue authorities acted illegally in deposing him from the trust.

The collector, on the part of Government, answered, first that as the suit was for the possession of lands paying revenue to Government the amount of the action had been incorrectly estimated. Secondly, that the allusion made by the plaintiff to Section 2, Regulation V, 1799, which referred to cases of will, was incorrect, as it was clear from the plaintiff's own admission that the present was a case of trust of a religious endowment, which properly came within the intent and scope of Regulation XIX, 1810; under the 13th Section of which the revenue authorities and local agents have full power, on proof of corruption on the part of the incumbent trustees, to appoint others in their stead. In this case the Board of Revenue, with the sanction of the Governor-General in Council, on full proof of corruption, incapacity, and dishonesty, on the part of the plaintiff's father and of himself, appointed Uli Ukbur Khan to the office of trustee of the endowed lands. The evidence of corruption would be forthcoming when called for. Under such circumstances it was fully within the competency of the Board of Revenue and the local agents to depose a corrupt and dishonest trustee; and the person so deposed is not authorized by the regulation above cited to institute a suit of the present nature for restoration to the trusteeship.

The plaintiff replied that he had sued for a ninth share of one year's profits of the endowed lands, and not for the lands themselves, and consequently that the amount of his claim had been rightly estimated. In reply to the second point urged by the collector, he stated that the admissions of the defendant in public orders, as well as the terms of the deed, would show that it was a will as well as a trust, and therefore a case to which the provisions of Section 2, Regulation V, 1799, were strictly applicable. Further to the argument of the defendant, that the suit was not cognizable by a court of justice, there was opposed the order of the Sudder Dewanny Adawlut referring the plaintiff to a regular suit.

The following are the documents on which the plaintiff rested his claim.

Deed of appropriation of Hajee Mohummud Mohsin, dated 9th Bysakh 1213 B. E., corresponding with 20th April 1806 A. D.

I, Hajee Mohummud Mohsin, son of Hajee Fyzoollah, son of Agha Fuzoollah, inhabitant of the port of Hooghly, in full possession of all my senses and faculties, with my own free will and accord, do make

the following correct and legal declaration. That the zumindaree of
 pergunnah Qismut Sydpore, &c., appendant to zillah Jessore, and
 pergunnah Sobhnal, also appendant to the zillah aforesaid, and one
 house situated in Hoochly (known and distinguished as Imambarah)
 and Imambazar, and haat (market), also situated in Hoochly, and all
 the goods and chattels appertaining to the Imambarah aforesaid, agree-
 ably to a separate list; the whole of which have devolved on me by
 inheritance, and the proprietary possession of which I have enjoyed
 up to the present time. As I have neither children, nor grand-
 children, nor other relatives, who would become my legal heirs and
 as it is my earnest wish and desire to keep up and continue the
 usages and charitable expenditures (Murasum-o-Musaruf-i-husneh) of
 the nature of fateha, and tuheeat, &c., of the Huzerat (on whom be
 blessings and rewards), which have been the established customs of
 this family, I therefore hereby give, purely for the sake of God, the
 whole of the above property, with all its rights, immunities, and
 privileges, whole and entire, little or much, in it with it, or from it,
 and whatever (by way of appendage) might arise from it, or relate or
 belong to it, as a permanent appropriation for the following expendi-
 ture; and I have hereby appointed Rujub Uli Khan, son of Shekh
 Mohummud Sadiq, and Shakur Uli Khan, son of Ahmad Khan, who
 have been tried and approved by me, as possessing understanding,
 knowledge, religion, and probity, mootawullees (or trustees) of the
 said wuqf or appropriation, which I have intrusted to the above two
 individuals, that aiding and assisting each other they may consult,
 advise, and agree together in all matters connected with the joint
 management of the business of the said appropriation, in the manner
 following. The aforementioned mootawullees, after paying the revenues of
 the Government, shall divide the remaining produce of the muhals
 aforementioned into nine shares, of which three shares, first of all, they
 shall disburse in the observance of the fateha of Huzrut Syud-i-
 Kayunat, (head of the creation) the last of the prophets, and of the
 sinless Imams (on all of whom be the blessings and peace of God);—
 and in the expenditures appertaining to the Ushra of Mohurram-ool-
 haram (10 days of the sacred Mohurram), and all other blessed
 days (of feasts and festivals); and in the repairs of the Imambarah
 and cemetery. Two shares, the mootawullees, in equal proportion, shall
 appropriate to themselves for their own expenses; and four shares
 shall be disbursed in the payment of the servants of the establish-
 ment, and of those whose names are inserted in a separate
 list signed and sealed by me. In regard to the daily expenses,
 monthly stipends of the stipendiaries, respectable men, peadas and
 other persons, who, at the present moment, stand appointed, the
 mootawullees aforementioned, after me have full power to retain, abolish
 or discharge as it may appear to them most fit and expedient. I
 have committed the mootawulleeship to the charge of the two above-
 named individuals as a common (aum) towleut. In the event of a
 mootawullee finding himself unable to conduct the business of the
 endowment, he may appoint any one whom he may think most fit
 and most deserving, as mootawullee to act in his stead. Conse-
 quently this writing is executed as a deed, this 9th day of Bysakh

in the year of Hijree 1221, corresponding with the Bengal year 1213, that whenever it be required, it may prove a legal deed.

Wasiq Uli Khan
The Government

Seal of

Mohummud Mohsin

Toulecutnamah of Wasiq Uli Khan, executed by Rujub Uli Khan:

I, Rujub Uli Khan, mootawullee of the Imambarah of Mirza Sulah-ood-deen Mohummud Khan, deceased, and zumeendar of qismut purgunnah Syedpore, &c., inhabitant of the port of Hooghly, in full possession of all my senses and faculties, with my own free will and accord, do make the following correct and legal declaration. That the zumeendaree of purgunnah Syedpore, &c., appendant to zillah Jessore, and purgunnah Sobhnal, also appendant to the zillah aforementioned, and one house situated in Hooghly, (known and distinguished as Imambarah), and Imambazar and haut (market), also situated in Hooghly, and all the goods and chattels appertaining to the Imambarah aforesaid, agreeably to a separate list, which were inherited by Hajee Mohummud Mohsin, deceased, from Munnoo Jan Khanum, deceased, and were in his proprietary seisin and possession, and which on the 9th day of Bysakh, in the Bengal year 1213, corresponding with the Hijree year 1221, he consecrated as a permanent appropriation, purely for the sake of God, and appointed me, Rujub Uli Khan, and Shakir Uli Khan, mootawullees, or trustees thereof, and made over the said aforementioned appropriated property to both of us, and executed a toulecutnamah, or deed of trust, containing devises, bearing his seal, and attestation of witnesses; and in the Bengal year 1214, he, the said Hajee, had the whole of the zumeendaree, &c., written in our names, to the exclusion of his own, (in the collector's record). That agreeably thereto, we, the mootawullees, or trustees both during the life time of the Hajee aforementioned, and, subsequently after his death, and until the death of Shakir Uli Khan, have managed the business of the toulecut, or trust of the said Imambarah, and the said devises above stated, with zeal and energy, and have collected the revenues of the purgunnah, and paid the assessment of Government. That on the night of the 20th of Bysakh, of the Bengal year 1220, Shakir Uli Khan, one of the mootawullees, died a natural death, and I have ever since, up to the present time, continued as heretofore, in the management of the Imambarah, and in the execution of the trusts of the will. As in the toulecutnamah, or deed of trust, executed by the respected deceased Hajee to myself, (Rujub Uli Khan,) and Shakir Uli Khan, it is stated,—“I have committed the mootawulleeship as a common (aum) toulecut to the charge of the two abovenamed individuals: in the event of a mootawullee finding himself unable to conduct the business of the endowment, he may appoint any one whom he may think most fit and most deserving, as mootawullee to act in his stead;” and as by the Mohummudun law it is enjoined, that the command of the appropriator, or waqif, has the force of law: and as from decrepitude and old age I am often sick, and unable to perform the active duties of the toulecut, or trust, with efficiency, I appoint my son, Wasiq Uli Khan alias Moghul Jan who

is a most fit and most deserving person, a mootawullee, or trustee in my stead, and do hereby entrust the toulecut, or trust, to him. It is incumbent on Wasiq Uli Khan, aforementioned, to conduct the duties of the trust, or toulecut, according to the toulecutnamah of the deceased Hajee, in the most perfect and complete manner; and having his own name inserted in the collector's records, in the lieu of mine, for the zumeendaree of the two purgunnahs aforestated he will continue to collect the revenues from the estates, and, after paying the Government assessment therefrom, expend the balance in the Imambarah, &c., according to the toulecutnamah, or deed of trust, of the deceased Hajee; and that which is fixed in the toulecutnamah, or deed of trust, of the deceased Hajee, as the right of the mootawullee, the same has hereby become the sole right of Wasiq Uli Khan the mootawullee; as long as the toulecut lasts, my other heirs have, or can have, no right or share in it whatever. In the event of Wasiq Uli Khan finding himself unable to conduct the active duties of the trust aforestated, he can appoint, in his stead, mootawullee, or trustee, whomsoever he deems most fit and most deserving; and whatever power is vested in me by the toulecutnamah, or deed of trust, aforestated, the same I make over to him, the said Wasiq Uli Khan; I therefore give this writing, as a deed of trust, or toulecutnamah, that it may be of use, as an undoubted and legal document, whenever it is required.

Written on the 20th day of the month of Mohurram-ool-huram in the year of the holy Hijree 1228, corresponding with the 1st day of Magh, in the Bengal year 1220, or the 13th day of January, in the year of Christ 1814.

Seal of

Rujub Uli Khan, Bahadoor.

The zillah judge, Mr. D. C. Smyth delivered judgment on the 12th September 1826, to the following effect:

"On inspection of the original deed on which the plaintiff rests his claim, it appears to be a toulecutnamah or deed of trust and not a wasecutnamah or deed of devise or will, for it is clearly laid down in the first case under the head of 'precedents of wills' in Macnaghten's Principles and Precedents of Mahomedan Law, Page 241, that 'it is essential to the validity of a will that the property willed away should exist in the possession of the testator at the time of his death.' The testator has the power, at any time before his death, of making any change in the will which he may think proper. In this case however no such power was reserved to the appropriator. He executed the toulecutnamah on the 9th Bysakh 1213; by it he gave the property therein specified in permanent appropriation to the endowment, and died on the 16th Aghun 1219. After the execution of the deed he had no longer any proprietary right in the property forming the subject of the appropriation; for under the Mahomedan law, property once so appropriated cannot be taken back to the appropriator's private possession or use. The appropriator had no power

to nullify the touleoutnamah, but a testator has the power of altering a waseentnamah. Under this view, the deed is clearly a touleoutnamah and not a waseentnamah. The provisions of Regulation V, 1799, therefore, are not applicable to the case. The claim set up by the plaintiff to the share of the profits of one year is inadmissible, for according to the trust-deed, it was allotted to the mootawullees or managing trustees but not as personal allowance to the plaintiff. His claim to the manager's stipend was defunct on his deposition from the office of mootawullee. Further, from the opinions given at case 8 under the head of 'precedents of endowments', pages 340-343 of Maonaghten's Principles and Precedents of Mahomedan Law, it is evident that if the appropriator, or any heirs of his, are not in existence, and the mootawullee be proved to be incompetent or corrupt, in such case the ruling power is authorized and required to depose him and appoint a duly qualified person in his room. As the Board of Revenue possessed the authority delegated to them by the Government under the provisions of Regulation XIX, 1810 and as that body, after due enquiry, deposed the plaintiff's father and the plaintiff from the trusteeship, on proof of corruption and incompetency, and appointed a proper person, Uli Ukbur Khan, to the office, the present claim is inadmissible. It is not the intent of Section 15, Regulation XIX 1810 that a person so deposed by order of the Board of Revenue, on proof of corruption and incompetency, should be reinstated in the same office by order of the civil court. On the contrary the intention of this enactment clearly is, that if the Board of Revenue take possession of any private lands on the plea of their being wuqf or dewuttur and eject the possessor, in such case the proprietor of the land has his remedy by an action at law. A claim such as that now before the court is not admissible or cognizable by the court under the rule cited. The suit therefore must be dismissed."

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Khan
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From this decision the plaintiff appealed to the Calcutta provincial court of appeal, objecting *inter alia* to the decree of the zillah court, that no reference had been made to the proper law officers for an exposition of the law applicable to the case. With his petition of appeal the plaintiff filed the following futwa or legal opinion, which he had obtained from the moolvees of the Mudrisah or Mahomedan college.

Question.—If Zyd, in his life time, in a sound state of body and mind, appoint Amr mootawullee of an endowment made by him under a common trust, and also inform Amr that as long as he felt himself able to conduct the business of the trust he was to remain in the active management of it, but that, when he found himself unable, or unequal to the task, he could transfer the trust to any person he thought most fit and deserving; and Zyd also committed to Amr, after his death, the conduct and management of the business: Is this a mere trust committed to Amr by Zyd, or is it a testamentary trust; and after Zyd's death does Amr become an executor or not;

Answer.—It is a testamentary trust; and Amr, after Zyd's death is an executor; as it is written in Khuzanut-ool-Mooftteen and

Uli Khan Behr-i-rayuq and Chulpee, viz.—If an endower tell a man, I have appointed you mootawullee in this endowment, and commits the same to his charge, the endowment and trust have become lawful; and if he also say, that the superintendency of the endowment belongs to the mootawullee after the death of the endower, the mootawullee, or trustee, becomes executor after the death of the endower.

Question.—If Amr, by the Mahomedan law, becomes both trustee and executor of Zyd, and the trust was made in common; is Amr competent to appoint Khalid an executor at his death, and a trustee during life, or not?

Answer.—Yes, he is competent; as it is written in Khuzanut-ool-Moofteeien and Behr-i-rayuq, viz.—If a mootawullee, or trustee, wishes to commit the superintendency of the trust to another at his death, it is lawful for him to do so by devise; but if he wishes to appoint another to act in his behalf in the management, during life, he cannot do so, except where the trust is unconditional and without restriction.

Question.—If, as above stated, there be a devise from Zyd to Amr agreeably to the Mahomedan law; and if Amr after Zyd's death without the permission or knowledge of the ruling power, made over the trust to Buqur, does Buqur, thereby become a mootawullee according to the Mahomedan law or not?

Answer.—He does become so; as it is written in the Sooghra Futwas viz., if the mootawullee and the endower are living, the vote of the endower is necessary in the appointment of another mootawullee, and not of the qazee, or the Mahomedan Magistrate; but if the endower be dead, the vote of the executor will take precedence of that of the qazee; but if the endower has not appointed an executor, then the qazee's vote is taken. It is hence inferred that the qazee has no vote in the appointment of a mootawullee, except when there is no executor of the endower. Vide Futwa Zyneea and Behr-i-rayuq.

Question.—If according to respectable legal opinions the trust to Buqur is established, can Buqur be removed or not, by the ruling power without evident and proved corruption, and only upon the calumnious report of those who have claim on the endowment?

Answer.—No, he cannot be removed. In the *Isaaf*, on the duties of wuqfs, it is thus written:—If persons interested in an endowment impugn the trust of the mootawullee, the ruling power cannot remove him from the endowment, but upon most palpable proofs of corruption.—Futwa Zyneea and Behr-i-rayuq.

Question.—If the ruling power remove Buqur upon the calumnious accusation of people interested in the endowment, without calling for such proofs as are required by the Mahomedan law; and the endowment should afterwards not remain under the authority that had thus removed him; and should Buqur then complain of his grievances to the succeeding authority; can the existing authority reverse the order of the former authority, and restore Buqur to the appointment from which he was removed, should he be satisfied of Buqur's merits, upon the principles of the Mahomedan law.

Answer.—He can. As it is written in the Futwa Zyneea Ushbah-o-^{Wasiq Un Khan} muzayur and Behr-i-rayuq, viz.—If one authority removes a mootawullee ^{versus} and is succeeded by another, and the mootawullee complains to the ^{The Government.} succeeding authority that he was ousted from the endowment upon the allegations of calumniators only, without any fault of his own, his complaint should not be admitted, because the business of the judge is to establish right. The judge should say, prove your fitness for the superintendency of the endowment, and when his fitness for the superintendency is proved, it should revert to him with the provision which he before had. From this it is inferrible that his removal was founded upon the conviction that he deserved to be removed; but afterwards if the contrary appears, it becomes imperative on the succeeding judge to restore him to that from which he had been removed. This goes to prove, that if the judge does not assign a legal reason for removal, such removal is void according to the Mahomedan law.

This futwa was forwarded by the judge of the provincial court for the opinion of the law officers of the Sudder Dewanny Adawlut, which was given in the following terms:

“As in the deed of Hajee Muhammad Mohsin it is stated that the daily expenses and stipends of the stipendiaries, and of respectable men, and peadahs, and others, who stand at this time appointed, are left at the disposal of the mootawullees after me, that they may continue whatever they liked, and abolish whatever they pleased; and as devise means the requisition of an act from the devisor after his death, as it is explained in the Khuzanut-ool-Moofteeien, hence according to its tenor, the towleutnamah appears to be a testamentary trust.

“The questions and answers in the futwa filed by the wakeels of the appellant are all right.”

On the other hand the respondent filed the futwa, also delivered by the moolvees of the Madrissa, of which the following is a translation:

Question.—If Zyd had given in wuqf, or appropriation, his property, and appointed Amr both a mootawullee and wusee of the same, and died; and after that should corruption in Amr become known to the hakim, or ruler, does it belong to the ruler, under such circumstances, to remove Amr, and appoint another in his place?

Answer.—Yes, it does, for it is written in Fusool-il-Imadee, the qazee (or Mahomedan judge) has not the power of appointing a wusee and qyum (executor and representative) when a wusee and qyum on the part of the waqif or appropriator exist, except on proof of their being corrupt.

Question.—If the dependants on the wuqf or endowment, prove corruption in the mootawullee or wusee (trustee or executor,) can the ruler remove him or not?

Answer.—Yes, he can, for it is written in Ashbah-o-Nuzayur, the qazee cannot remove the nazir, or trustee, merely upon accusation of the dependants, but upon proof of corruption; and thus with the wusee or executor.

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Question.—If the mootawullee of appropriations be suspected, or be found unworthy of confidence, or if any vice appear in him, such as drinking intoxicating liquors, and such like, is it imperative and necessary on the qazee to remove the appropriations from his hands?

Answer.—It is imperative and necessary. For it is written in the *Door-il-Mookhtar*—It is lawful to the waqif to become the mootawullee, or trustee, himself; and the removal of a trustee is necessary, if the waqif cannot confide in him, or vice of excessive drinking of intoxicating liquors, and such like, be found in him.

Question.—If Zyd appointed Amr a mootawullee, or trustee, and committed the toulecut, or trust, to his charge under the condition that he may appoint for a substitute in his room any one whom he thought most fit and deserving, does it or does it not become imperative upon Amr that he should appoint a person in his room in conformity to the condition set forth by the waqif, as regards merit and fitness? and if it be incumbent in him to do so, and he appoint a person who is not worthy and fit for the trust as his representative, will such appointment be admissible and good, or not? and what person is fit and worthy of the duty of a trust?

Answer.—The observance of the intention of the waqif is absolutely necessary. For in *Ashbah* and *Dur-il-Mookhtar* it is written—It is necessary to follow and observe the intention of the waqif; for it is said that the intention of a waqif is like the command of the law-giver or the prophet; that is, in the necessary performance of a duty; and it is quite clear, that when it is necessary and imperative to follow and observe the intention of the waqif, the contrary cannot be admissible. It is also inferrible from the *Ashbah* that a judgment contrary to the intention of the waqif is contrary to the command of the law-giver and cannot take effect. A fit and worthy person is one who is wise, that is to say, who is sound in his intellects, and is trustworthy, who does not seek for the trusteeship, and in whom no vice appears. Thus in the *Futawae-Alumgoerge*—a fit person is one who does not ask for the trusteeship of the waqf and is without any known vice. No one should be appointed mootawallee or trustee, except he who is competent and trustworthy, and has attained the age of majority, and has understanding.

Question.—If Zyd appointed Amr and Khalid mootawallees or trustees under the condition that they should co-operate and unite together in the conduct and management of the affairs of the toulecut or trust; and should they afterwards, without observing the condition laid down by the wuqif, by their disagreements and dissensions, cause injury in the profits of the wuqf, can they be removed by the ruler or not?

Answer.—Yes, they can be removed. For it is written in the *Hummadeah*—If the qyum, or representative, does not observe the condition laid down by the waqif, he may be removed by the qazee.

Question.—If Zyd appointed Amr and Khalid, mootawallees or trustees, and committed the charge of the trust to them both, under the condition that they should co-operate and unite together in the management of the trust, and if a mootawallee, or trustee, finding himself unable to conduct the business of the trust, was empowered to appoint

any one in his room whom he deemed most fit and deserving, as his successor; can Amr then, after the death of Khalid act solely in the trust affairs; and can he solely appoint any one in his stead without the ruler appointing him a mootawallee in the room of Khalid?

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Answer.—He cannot. For it is written in the Ashbah and Nuzayur.—If the condition be for two mootawallees, and one of them should die, the qazee should appoint another in his place, and the sole living person has no exclusive power, but under the order of the qazee. It is also written in the Dur-il-mookhtar—The act of one of two executors as the act of both, is void. Aboo Yusuf says, each mootawallee may act solely in all affairs, should the waqif have made such a provision but if two joint mootawallees are appointed, they must act jointly.

Question.—If the ruler appointed a person mootawallee of a wuqf, can such mootawallee continue after the death or removal of the ruler?

Answer.—He can continue. For in the Alungeeree, it is written—If the qazee die, or be removed, the person appointed by him will remain as he is; thus also in the *Ghooreah*.

Question.—If the removal of a mootawallee conduct to the welfare of the wuqf, can the qazee remove him or not?

Answer.—He can. For in the Futawae Alungeeree and in the Fusool-il-Imadee, it is written—The qazee can remove a person whom the waqif has appointed, should such removal conduce to the welfare of the wuqf.

Question.—If the ruler suspect the wusee, or executor, of corruption, can he remove him or not?

Answer.—He can. For in the Futawae Alungeeree, in the 9th chapter on executors, it is written: If the qazee suspect the executor, Aboo Huneefah says, the qazee may appoint another with him, and not remove him; and Aboo Yusuf says, he can remove him; this is the clear law upon which futwas are given—thus in the Fatawae Qazee Khan.

The above futwa was likewise submitted for the judgment of the Sudder law officers, who gave the following opinion:

“The answers to the questions are all correct. The deed executed by Hajee Muhammad Mohsin, waqif or appropriator, is a deed of trust and will, and has devised therein for the continuance of the management and power of the mootawallee, in continuing or abolishing the fixed stipends of the stipendiaries, respectable people, peadahs, &c. It belongs to the judge of a judicial court to remove the mootawallee of the waqif's appointment, on proof of his being corrupt, and to appoint another in his stead; and he can likewise remove the former mootawallee and appoint another in his stead, should any corruption or other impropriety be found in him. And such is the opinion of some expounders of the law who have said—That it is lawful for the qazee to depose the person appointed by the waqif, should his deposition be deemed conducive to the welfare of the wuqf. Should the waqif have made the appointment of a successor to a mootawallee to depend upon the concurrent voices of the two mootawallees, and one of them should die, or be unable to act, it is not lawful for the

~~Uli Khan~~ other mootawallee to appoint a successor solely on his own judgment without consulting the ruling power; but this should be done according to the intention of the waqif."

On the 18th December 1830, the provincial court (present Mr. C. J. Middleton), gave judgment confirming the decree of the zillah court on the following grounds—1st, that from the documentary evidence adduced, mal-appropriation and corruption on the part of the appellant's father, of the appellant himself, and his colleague, Bakir Uli Khan, had been clearly established—2ndly, that as by Regulation XIX, 1810, the general superintendence of such endowments was vested in the Board of Revenue, who, on proof of corruption and mal-appropriation by the trustees of the trust-property, had removed them, it was not for the court to reinstate them—and 3rdly, that whereas the appellant states his nomination and appointment to the trust to have been made in 1220 B. S., the various applications made by the appellant's father, show that the latter was in charge of the trust so late as 1223. The appeal was accordingly dismissed.

The appellant then applied for a special appeal to the Sudder Dewanny Adawlut, which was admitted on the ground that, though the provincial court had applied to the Mahomedan law officers for an exposition of the law applicable in the case, no reference had been made to it in the decree of that court.

By the Court, Mr. C. R. Barwell :—"The appellant's claim is founded on his appointment to the office of mootawallee under a deed, dated 1st Magh 1220 B. S., executed by his father Rujub Uli Khan, the appointee of the original founder or appropriator. He complains that the Board of Revenue and the local agents at Hooghly ejected him from office on charges of corruption, and appointed one Uli Ukbar Khan, a perfect stranger, first as ameen, and afterwards as mutawallee of the establishment. In my opinion there is no proof that the appellant ever entered on the duties of the office which he claims, that he ever received any part of the allowances, or was ever in the management of the trust. Rujub Uli Khan, the father of the appellant, certainly did not resign at the date of the deed appointing the appellant, for in certain judicial proceedings subsequent to the year 1220 B. S., Rujub Uli Khan himself appeared as still the mootawallee: he continued to draw the allowances of mootawallee in his own name; and he never intimated his resignation of the office or the appointment of his son as successor, to any Government functionary, although in consequence of the death of the original appropriator he had no power or authority to appoint another mootawallee in his room, without the sanction and approval of the Government. The appellant lays much stress upon an order of the Board of Revenue, dated 15th September 1818, respecting the appointment of Uli Ukbar Khan, in which he (the appellant) is termed mootawallee: but no enquiry appears to have been made on the occasion and the mere casual insertion of the title in an office order cannot avail as evidence in the case. It is to be further observed that in the enquiry made by the collector, and under his authority, only Rujub Uli Khan and Bakir Uli Khan were implicated, the name

of the appellant not appearing. The real trustees were proved guilty of corruption and mal-appropriation of the wuqf property, and very properly removed; but the appellant was not even mentioned as a trustee, and no corruption was proved against him. The name of Rujub Uli Khan moreover continued in the collector's registry of landed proprietors as the party in possession of the endowed lands until he was ejected subsequently to 1220, under the order which followed the enquiry into his conduct. Further the number of trustees was restricted to two, and the two offices were filled by Rujub Uli Khan and Baqir Uli Khan. All these circumstances tend to prove that the deed appointing the appellant was never actually enforced. His claim therefore to a portion of the allowances, of the Mootawallee and to be re-appointed to an office which he has never held, falls to the ground; and the decree of the provincial court must therefore be confirmed. As it appears however that Rajub Uli Khan did really nominate the appellant as his successor, and as no corruption or incapacity has been proved against him personally, I think he has the best title to the management of the trust, should the Government think proper to take his claim into consideration. As the expression of this opinion goes beyond the mere confirmation of the decree of the provincial court, and as the case is one of considerable importance, I wish it to be submitted to another judge.

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The case was then laid before Mr. T. C. Robertson, who before entering upon the merits of it, submitted for the consideration of the Court at large the point on which the zillah court had mainly decided, viz, whether the suit was cognizable by the civil court. The subject was considered at length by the judges of the Court, and finally referred for the opinion of the Western Court of Sudder Dewanny Alawlut. The minutes recorded by three of the judges of the Calcutta Court, and the reply of the Western Court, which are given at the end of this case, will show that the point was decided in the affirmative.

Mr. T. C. Robertson.—“The deed executed by Hajee Mohummud Mohsin, dated 9th Bysakh, 1213 B. S., has the following clause, ‘after me the mootawullees have the power to continue whatever they may deem proper, and to abolish whatever they may deem improper.’ This shows that the trust was of the nature of a towleut mi-ul-waseeut or testamentary trust, and this it has been declared to have been by the expositions of the Mahomedan law which appear on the record. It is further provided in the deed ‘that whenever a mootawullee or trustee may find himself unable to conduct the duties of the endowment, he may appoint any one whom he may think most fit and deserving as mootawullee or trustee in his stead. This provision establishes the right of the mootawullee to appoint his successor. The appointment of the appellant by his father, Rujub Uli Khan, one of the original trustees, is clearly established by the towleutnameh appointing the appellant, executed by his father on the 1st Magh, 1220 B. S. The execution of this document has not been denied by the Government, and nothing has appeared to impugn its authenticity and validity. Moreover the possession of the trust property and the management

the establishment by the appellant, are, in my opinion, proved by the proceedings which were held on certain petitions and applications presented by the present mootawullee, Uli Ukbur Khan. I do not think the fact of the name of Rujub Uli Khan having been continued in the collector's registry of landed proprietors, is sufficient to rebut the evidence adduced to prove that the appointment of the appellant was carried into actual operation. I do not doubt the power of the Board of Revenue to remove a trustee of a religious endowment on proof of corruption, but the legal proofs of corruption are wanting in this case. The revenue authorities appear to have proceeded chiefly upon the reports of the ameen, Uli Ukbur Khan, who probably was himself looking forward to the trusteeship, (to which indeed he was subsequently appointed,) and who, therefore, was not a person disinterested in the result of the enquiry. Under these circumstances I am of opinion that the plaintiff is entitled to a decree for what he claims, viz., restitution to office, and payment of his share, as mootawullee, of the net profits of the lands. At the same time I am of opinion that as the other trustee Baqir Uli Khan is insane, and the appointment of joint trustees is likely to lead to disagreements between them, and consequent injury to the trust, the Government should interfere to appoint a person to the active management of the endowment, the appellant being allowed his share of the trustee's allowance. I would reverse the decrees of the zillah and provincial courts. The case must therefore be sent on for another judge—and should he be disposed to concur with me in all points with the exception of that part of my opinion which would go to exclude the appellant from the active management of the trust, on the appointment of a trustee by the Government, I shall be ready to re-consider that part of my judgment."

Mr. C. W. Smith.—"There are three points for consideration in this case: First, the competency of the civil courts to entertain the suit. Secondly, what grounds under the Mahomedan law and Government regulations, are sufficient to authorize the dismissal of a trustee, and who is the proper authority to take cognizance of such matters? Thirdly, whether under the circumstances of the case there are sufficient grounds for interfering with the orders of the revenue authorities in the present case.

The first point has been settled by the opinions of the Presidency and Western Courts of Sudder Dewanny Adawlut declaratory of the competency of the civil courts to entertain the suit.

As to the second point, the precedent of Mohummud Sadiq appellant *versus* Mohummud Uli and others, heirs of Mohubbut Uli respondent (page 17, vol. I, Sudder Dewanny Adawlut Reports,) and the futwas on the record of the case now before the Court, are clear as to proved corruption and malversation being sufficient grounds for the removal of a mootawullee. The power of removal is to be exercised by the waqif or appropriator, then by the wusee or executor, and then by the qazee or the ruling power. The power vested in the Government in this respect has been delegated by Regulation XIX, 1810, to the Board of Revenue.

Then as to the third point, the documentary evidence on the record shows that various dissensions and disputes existed between the mootawullees, Rujub Uli Khan and Baqir Uli Khan, which led to extravagance of expenditure, to derangement and confusion of every kind in the management of the trust, and to a want of punctuality in the payment of the Government revenue, which in fact occasioned a temporary attachment of the endowed lands.

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It is further shown by the same evidence that in the years 1220, 1221, and 1222 B. S., the same mootawullees corruptly made sundry charges on account of disbursements, which they were not competent and authorized to incur: that heavy sums which have not been accounted for, were misappropriated by them: that monies belonging to the trust were given by them to their relatives, and some portion of the proceeds were expended in the payment of bribes to certain native functionaries, added to which it has been shown that the mootawullees were parties to fraudulent attempts to alienate to private purposes part of the real property belonging to the endowment. The Board of Revenue, therefore, acted with perfect propriety when they ordered the dismissal of the trustees. These were Rujub Uli Khan, the father of the appellant, and his colleague, Baqir Uli Khan, and on their dismissal the office of mootawullees became vacant.

For the reasons stated by Mr. Barwell, I fully concur with him, that the appellant was never put in management of the trust under the towleutnamah of the 1st Magh 1220 B. S. It is further shown, as stated in the letter of the Board of Revenue of the 12th September 1817, that the connexions and relations of the mootawullees, including the appellant, had disqualified themselves for the office of trustees by becoming parties to the corrupt transactions above noticed.

I therefore concur with Mr. Barwell in dismissing the appeal, and make final the judgment proposed by him."

On the disposal of the case by Mr. Smith, the appellant presented a petition claiming a reference to another judge, the case not having been decided by two concurring voices against the judgment of Mr. Robertson, for though both the deciding judges agreed in the final dismissal of the appeal, they differed as to a most material fact, viz., whether the appellant was shown to have been guilty of corruption, Mr. Barwell being of opinion that he was not, whereas Mr. Smith, held, that he was proved to have been mixed up with the corrupt proceedings of the trustees.

The Court observed on this petition that although the deciding judges concurred in regard to the dismissal of the appellant's claim, they differed in regard to the proof of corruption on the part of the appellant, and his primary claim (subject to the decision of Government) to the office of trustee: and that it was on the very point last mentioned, that Mr. Barwell had sent on the case for the opinion of another judge. They were, therefore, of opinion that the case was incomplete and required another voice. It was accordingly laid before Mr. Money, who recorded final judgment as follows:

"The appellant claims the office of trustee under a towleutnamah executed by his father, Rujub Uli Khan on the 1st Magh 1220, the

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Government. power of nominating a trustee having been vested in him as mootawullee, under the original deed of trust and appropriation executed by Hajee Mohummud Mohsin, and complains of the acts of the Board of Revenue who, as alleged by him, ejected him, from the office of trustee without proof of corruption. The case involves the following points for consideration :

1. Whether the trust deed executed by the waqif or appropriator, was a towleout and waseout or a trust and devise, or merely a towleout or trust?

2. Whether the appellant was ever put in charge of the trust under the deed executed by his father?

3. Whether any corruption has been proved against him, rendering him liable to dismissal from the office?

4. Whether in the event of its being a trust and devise, the claim of the appellant as regards his succession, according to the deed executed by his father, can be held good without the sanction of the authority in whom the control of religious endowments is vested, and whether the provisions of Regulation XIX, 1810, are thereby affected?

In regard to the 1st point I am of opinion that the deed executed by Hajee Mohummud Mohsin was of the nature of a testamentary trust; but that did not authorize the mootawullees to dispose of any part of the property forming the subject of endowment, or to perform any act in opposition to the terms of the original trust.

On the second point I agree with Mr. Barwell, that the appellant's personal management of the establishment and possession of the trust, have not been established, for his father was clearly in the management of it, subsequently to the execution of the deed executed by him on the 1st Magh 1220 B. S.

My opinion on the third point is, that corruption on the part of the appellant has not been established.

And lastly, I do not think that, under the terms of the original

Dictum—that a mootawullee appointed under a testamentary trust, with power to nominate his successor, cannot, under Regulation XIX, 1810, appoint such successor without the consent of the revenue authorities; but point not ruled.

trust deed, the endowment could have been excluded from the control and superintendence of the Board of Revenue, who in my opinion possess the right of control over such an establishment, as well as over an absolute towleout.

Under the provisions of Sections 11, 12, and 13, of Regulation XIX of 1810, Rujub Uli Khan had no power to appoint a successor in his stead without the knowledge and consent of the revenue authorities. There is no reason for exempting this case from the operation of that regulation, which is generally applicable to all cases of endowment for religious purposes.

Concurring with Mr. Barwell, I confirm, in all points, the judgment proposed by him

MINUTES, &c., ALLUDED TO IN A PRECEDING PAGE.

MR. ROBERTSON'S MINUTE—I am of opinion that a suit for the recovery of the situation of mootawullee and the emoluments annexed to it, may

be entertained, not only because such a procedure appears to be contemplated in the 15th Section of Regulation XIX of 1810, but because I cannot bring myself to believe, that it was the intention of legislature to exempt, in this one instance, the acts of the revenue authorities from that judicial revision to which they were formally subjected by Regulation III of 1793.

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At the period when Regulation XIX of 1810 was passed, the legislature professed to be guided by the spirit of the original regulations, the noble founder of which had proclaimed his opinion (vide Harington's Analysis, page 26), that "there is no class of men over whom the Regulations should have stricter control, than the officers who are entrusted with the collection of the public revenue." Had it been intended therefore, at such a period, to invest the Board of Revenue with a discretionary control over all the wuqf tenures, involving, as these do, some of the most valuable property in the country, I must maintain that we should not have been left to infer this from the absence of any provision to the contrary, but should have been told in clear and unequivocal language that such was the design of the legislature. It is to be observed also, that even if it were to be held, that the Regulation XIX of 1810 imparts no powers to the courts of justice, still it must be admitted that it takes none away, and that therefore if previously to its enactment, a suit of the description under consideration could have been received, there is no good reason why it now should be rejected.

To me, however, it appears that the 15th Section distinctly recognizes the competence of the civil courts to admit suits regarding transactions arising out of that Regulation; and this conclusion is strengthened by observing that, in the list of persons eligible to the situation of local agent, no mention is made of any judicial authority. In as far, however, as the removal of the present plaintiff can be accounted an act merely of the Board of Revenue, a majority of our number take the same view as I do of the meaning of Section 15 of the Regulation under consideration; but a distinction has been drawn between such an act and one that has received the confirmation of Government, to which I cannot subscribe. In Section 11, Regulation III of 1793, it is declared that a party aggrieved by an act of the Board, has his remedy in a suit against the Government. Thus it appears that the Government, in the very enactment by which their acts are subjected to judicial revision, identifies itself with its own functionaries; and it consequently in my opinion follows, that the character of any act performed by the said functionaries, cannot be in the slightest degree altered by such merely ministerial confirmation as is implied in the approval, however, recorded, of an ex parte and extra judicial report.

The argument deduced from Mahomedan law, in favor of the right of Government, as the sovereign, to assume charge of any endowment, which may be proved to its satisfaction to have been mismanaged, would be conclusive, were it not that the British Government has in the preamble to Regulation III of 1793, solemnly divested itself of its judicial powers and lodged the same in its courts of justice.

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It is to the sovereign in his judicial and least despotic capacity, that the Mahomedan law imparts the power over endowments. This I think is clear from the wording of every futwa, and is confirmed by the well known fact that, in countries under Mahomedan rule, the *waf* tenure is created for the very purpose of sheltering property, which nothing else could protect from the grasp of generally unlimited power.

In the case now before us it is alleged, that no enquiry approaching to what can be called a judicial investigation has as yet been instituted; that a report made by an ameen has been adopted and acted on by the revenue authorities, without an attempt having been made to ascertain its correctness; and that the very ameen, by whom that report was made, is the individual whom those authorities have placed in the situation of mootwullee, from which the plaintiff has been ejected.

As I cannot believe it to be the intention of the legislature, that the doors of the courts of justice should be closed against a party soliciting a regular judicial investigation of the suit founded upon such allegations, I am of opinion that the said suit should be admitted and decided on its merits.

MR. BRADDON'S MINUTE.—The constitution of our courts having avowedly been framed upon the principles of enabling every individual to obtain redress for any injury he may sustain in his person or property, and the Government having rendered itself amenable to the courts of civil judicature for any acts done by itself or its public officers in their official capacity in opposition to the Regulations, I apprehend that, in order to constitute any particular description of injury an exception to the general rule, and to take it out of the cognizance of the law, it was indispensably necessary to have declared it so; and therefore in the absence of any legislative enactment depriving the courts of the exercise of their judicial functions, with respect to cases of the same nature as Wasiq Uli's, I cannot avoid coming to the conclusion that, under the rules contained in Section 15 of Regulation XIX of 1810, the orders of the Board of Revenue removing him from the superintendence of the endowment are not final and conclusive against his rights; for, admitting that section to be ambiguously worded, any doubt which could arise of its meaning is entirely removed by the marginal epitome of it, which runs thus—"Individuals deeming themselves injured by any orders passed under this Regulation" are "not precluded from suing for the recovery of their rights in the manner prescribed in the Regulations." I am accordingly of opinion that the courts were competent to receive and try the suit preferred by Wasiq Uli.

MR. BARWELL'S MINUTE.—I have recorded in this case my opinion that the appellant never was in fact constituted mootwullee; and therefore that his suit for compensation on account of the loss of that office cannot be maintained. If proof had been given of his having been in possession of that office, the question raised, and treated in the minutes of the respective judges, would have been pertinent to the

circumstances established on the record. But the appellant's case is left without any foundation, unless it be shown that he was actually and legally possessed of that advantage, for the deprivation of which he seeks redress. I contend therefore that it is unnecessary for the decision of the case, that any doctrine should be declared, or general rule laid down by the Sudder Dewanny on its competence, or otherwise, to entertain this or similar suits. I have no objection however to state my opinion that the jurisdiction of the Court does extend to them. Admitting even that the order of deprivation received the sanction of Government, still the authority making the statement, on which that order was founded, must be held responsible for its justice and correctness. And in no other way than by the institution of a suit, and by the trial of it, can any party complaining of injury from such statement enjoy an opportunity of proving the partiality or error of such representation; neither is it consistent with the principles of justice that any difficulty or obstacle should be opposed by the supreme authority to the rectification of such material defects, supposing their existence to be established, in which case the reversal of the order of deprivation would ensue, on production of the decision of the Court to the effect that it was based on insufficient or mistaken grounds.

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deceased
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But in the actual case it seems to me that the real point at issue is whether Wasiq Uli ever was legally constituted mootwullee or not. My conviction is that he never was so, and therefore that his suit for damages on account of deprivation of that office is vitiated at its source.

LETTER OF THE REGISTRAR OF THE WESTERN COURT TO THE REGISTRAR OF THE PRESIDENCY COURT, DATED 18TH JULY 1834.

I am directed by the Court to acknowledge the receipt of your letter of the 18th ultimo, regarding the case of Wasiq Uli, with the minutes of the judges of the Presidency Court thereon.

2. The Court understand the case to be as follows:—

Hajee Mohummud Mohsin during the life wrote a document by which, as he had no heirs, he ordered the proceeds of an estate to be appropriated—

1st.—To the maintenance of an imambarah.

2nd.—To that of two mootwullees for the administration of the funds.

3rd.—To that of certain other individuals mentioned in a separate list.

Under this deed the plaintiff Wasiq Uli became mootwullee and administered the funds. The collector and Board of Revenue, apparently on a charge of misappropriation, deprived him of the office of mootawullee, and, having attached the estate, administered the funds through an ameen. Wasiq Uli has brought a regular suit in order to regain possession of his office, of which he considers himself to have been unjustly deprived. The point which has been discussed by the Presidency Court and which is referred for the Court's opinion is simply whether this suit can be admitted.

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3. Under the terms of the deed it appears that Wasiq Uli has been duly appointed mootawullee, and that, in the event of his finding himself unfit for the task of manager, he may appoint a fit person as manager in his place.

4. Under the provisions of sections 3 and 5, Regulation XIX, 1810, the Board of Revenue are required to take care that such endowments are duly appropriated to the purpose for which they were destined, and to prevent misappropriation, care being had not to infringe any private rights (section 10), and by section 15, orders passed by them with respect to the appropriation of such lands, etc., are liable to an appeal to the regular courts, where any individual considering himself aggrieved may sue for the recovery of such lands, etc., as well as for damages.

5. The point now referred is not whether a misappropriation has taken place, or whether private rights have been infringed by the orders of the revenue authorities, but merely whether a suit which charges the Board of Revenue with an infringement of private rights, viz., an unjust deprivation of Wasiq Uli, can be admitted. The Court are of opinion that such a suit can be entertained. The Court at the same time remark, that the decision of this point is entirely unconnected with the determination of the extent of the authority of the Board of Revenue under the Regulation above quoted, a matter which remains to be considered in deciding the case after its admission.

REMARKS.

The questions of whether the appointment of the appellant to the trusteeship by Rujub Aleo Khan was valid or not, and of the extent of interference which can be legally exercised by the revenue authorities under Regulation XIX, 1810, in regard to such appointments, were not positively ruled by the judgment of the Court, under the exposition of the Mahomedan law as contained in the opinions of the Muddrissa moolvees and the law officers of the Sudder Court. It may be assumed that the appointment of a successor by a mootawullee or trustee, himself legally appointed and duly empowered by the original deed of appropriation to make such appointment, and faithfully and efficiently discharging his trust, would be a legal and valid appointment; and that the trustee so appointed cannot be removed by the ruling power without proof or strong presumption of corruption or incompetency. (See Macnaghten's Principles of Mahomedan Law, Nos. 5, 6, 8 and 10, pages 69, 71.) by Regulation XIX of 1810, the general superintendence of all endowed property is vested in the Board of Revenue assisted by local agents, and the terms of some of the provisions of that enactment clearly show that, in proceedings held under it, the revenue authorities are required to have respect to the express conditions of the deed of appropriation, the intentions of the appropriator, and the particular law applicable to the case. The futwas further clearly shew that conformably to a deed of appropriation, of the nature under consideration in the above case, one of the mootawullees could not act solely in the trust affairs, nor could he appoint a sole successor, but that, on a vacancy unprovided for occurring, the appointment rested with the ruling power.

To

F. I. HALLIDAY, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

I am directed by the Right Honourable the Governor of Bengal to acknowledge the receipt of your letter dated the 9th instant, with its enclosures relative to the Mutwallyship of the Hooghly Imambarah and in reply to communicate as follows.

2. His Lordship concurs with the Junior Member of the Board in thinking it desirable that the appointment abovementioned should be given to some person whose previous well-earned character would be a pledge to the Government for his faithful discharge of the duties of Mootwally and he requests that the Board will use their best endeavour to discover an individual thus qualified for the trust. None of the parties whose names have been submitted in your letter under reply appear to possess the requisite recommendation.

3. The Sudder Court were requested on the 13th instant to nominate a candidate for the appointment in common with other persons of distinguished merit and character in other branches of the public service who might perhaps be thought to deserve the distinction, the three principal sudder aumeens of the Shea persuasion, whom they might consider to possess the highest claims on the score of tried ability and integrity. Their reply, however, shows that there is but one person of the Shea persuasion employed in the district subject to their jurisdiction as Principal Sadar Aumeen and that that individual has not attracted their particular notice for any distinguished qualification. The Board are requested to ascertain whether there be any Shea of consideration employed in the Revenue or any other Department whose services have exhibited fidelity and integrity and have given satisfaction with respect to ability after the experience of past events in the administration of the Imambarah. His Lordship would be very unwilling to entrust the management of that institution to any person however, ostensibly respectable not of tried high character and it is indispensable that the Mootwally should be prepared to reside altogether at Hooghly and to devote his whole time to the duties of his situation.

4. Pending the definite appointment of a Mootwally His Lordship considers it desirable that Moulvee Zynuddeen who seems to possess the confidence of the Local Agents should remain in charge of the office.

5. The Governor has remarked with much regret the unbecoming tenor of Mr. Pattle's Minute of the 5th of July last.

I am,

SIR,

Your most obedient servant,

(Sd.) R. D. MANGLES.

Secretary to the Government of Bengal.

FORT WILLIAM,

The 27th September 1836.

MINUTE BY 3RD MEMBER.

I have the pleasure to submit to my colleagues the draft of a demi-official letter; I considered it my duty to address to the Private Secretary of the Right Honourable the Governor of Bengal for the consideration of His Lordship under date the 8th November last on the subject of the appointment of Syed Zynooddeen Hussain to the vacant office of Mutwalli of the Imambarah of Hajee Mohamed Muhsin at Hooghly.

I have so fully embodied my reasons for desiring the appointment of the Syed in the letter alluded to that I will not repeat what I have there said in this place; I am more than ever convinced that we shall not be able to procure a person better qualified in all respects than he is, for the important charge. That he is perfect, and that no objections can be brought against him, I do not mean to say. But where are we to look for a man against whom no objections can be urged? And if we keep the appointment open till such a person is found, how long will it be before the situation is filled up? It would be tantamount to putting it off *sine die* in my opinion. Now in my idea it is necessary that the question should be speedily decided. The appointment has been kept open very long time, and certainly inconsiderate haste at least cannot be charged against the present nomination. Keeping the question in abeyance keeps open the expectations of numerous hungry aspirants who have really no qualifications whatever to fit them for the appointment. It keeps the affairs of the whole establishment in a state of wavering uncertainty, renders an efficient and vigorous control impossible, and in all respects acts injuriously on the interests of the Institution.

NOTE.—Hajee Mohammad Ishpahany, I understood, will not consent to reside altogether at Hooghly which is an objection to his insuperable.

I beg, therefore, strongly to recommend the confirmation of Syed Zynooddeen Hussain in the vacant office; and would respectfully urge the same on the consideration of the Right Honourable the Governor of Bengal.

I request this Minute and the letter alluded to may be circulated and laid before the Board on the next Board day.

6th December 1836.

MY DEAR COLVIN,

It will not, I trust, be deemed out of place considering that the remodelling of the Hooghly Imambarah, etc., has been conducted under my superintendence, if I submit a few observations for His Lordship's consideration, relative to the vacant appointment of Mutwalli.

2nd.—During the last 4 months Syed Zynuddin Hussain has officiated as Mutwali, and it is but justice to that individual to say

that he has not only afforded the Local Agents and myself every satisfaction, but that he has been instrumental in bringing to light the malversations of the former officers of the institution and in correcting existing evils.

3rd.—Zynuddin Hussain was brought up in the Calcutta Madrasa, and is one of the best educated Mahomedans I have met with. His knowledge of English is indeed somewhat remarkable for one of his sect and he has lately done good service by instructing some of the classes in Geography to which he purposes to add History and Geometry in which also he is himself well qualified.

4th.—It will not escape His Lordship, that it is of vast importance to the future well-being of the institution, that the Local Agents should have a Mutwali to deal with, in whom they may be able to place confidence, one who will go along with them in introducing and keeping up reforms in the fiscal management, and not set himself in opposition to their wishes, and seek his own interests, or create cavil and discontent in the establishment. The importance also of having at the head of the Institution a person anxious to encourage an enlightened system of education among those of his own persuasion, is not to be lost sight of. The generality of Mahomedans of the old school, are averse to the introduction of English, for they have sense enough to perceive their own importance will be diminished as their ignorance is detected by the enlightened of the rising generation and as they have also, I cannot but think, a presentiment that their own religion cannot stand the light of truth, they discourage English on a principle of attachment to their own creed.

5th.—Out of 80 scholars attached to the Calcutta Madrasa, I understand about 20 only studied English in consequence of the prejudices of the Arabic and Persian teachers against it. The appointment then of an individual attached to English literature might work in the course of a few years, a most beneficial change upon the sentiments of the Mahomedans generally and be attended with the best effects on the interests of the rising generation.

6th.—Of this, I am sure, that the influence of a bigot at the head of the Institution added to the weight of prejudice at present indulged by some of the teachers would have a most baneful influence upon the good the establishment is calculated to produce.

7th.—The only objections I have heard advanced to Zynooddeen are his youth and his not having performed service to Government.

8th.—The first objection will diminish daily and if qualified it should surely be no reproach to him, that he was found qualified at an early date.

9th.—To the second objection may be opposed the services done to the State by his father. Moulvee Kurim Hussain Khan Bahadoor was for 31 years Head Moonshee of the College of Fort William, and enjoys a pension of 100 rupees a month. He is now Vakeel to the

King of Oudh, and in that capacity attends the Governor General's Durbar. He is a man I am informed, of high respectability and deserves well of the Government. Zynooddeen Hussain's elder brother Syed Azimuddin Hussain, was appointed by Lord William Bentinck, Agent at the North of the Indus, a situation which he continues to hold.

10th.—There was some quarrel, I understand, between Zynooddeen Hussain and the students of the Calcutta Madrasa, but if it is recollected that he was the only Sheea and had to contend against 80 Sunees, the wonder will be that he was able to remain 4 years in the College. However, Captain Onseley and Mr. Rochfort, the English Teacher can be referred to for his character while in the Calcutta Madrasa.

11th.—I must apologize for this lengthened address; but as the object in view is alone the benefit of the institution which, I am confident, is the principle which will actuate Lord Auckland in the choice of an individual to the appointment of Mutwallie, I shall be excused, I trust, the performance of what I have considered a duty. I will only add that Zynooddeen Hussain was selected by a member of the Committee of Public Instruction and sent up to act as an Ameen over the affairs of the late Hooghly Madrassa and that my acquaintance with him is limited to the period of my official connection with that institution.

I am, etc.,
(Sd.) H. WALTERS.

HOOGHLY,

The 8th November, 1836.

To JOHN COLVIN, Esq.,

Private Secretary to the

Right Honourable Lord Auckland,

Governor of Bengal.

26th December, 1836.

No. 512.

Secretary to Government,
Revenue Department.

SIR,

In continuation of my letter to your address, No. 336 of 9th September, and in reply to yours of the 27th September last, I am directed to state for the information of the Right Honourable the Governor of Bengal that in consequence of the suggestion conveyed by the second paragraph of your letter last mentioned, a demi-official reference was on the 5th ultimo made to Lieutenant-Colonel Alves, Political Agent at Joypore, on the subject of the qualifications of Syed Keramut Ali, the companion of Lieutenant Conolley's travels who the Board were disposed to think had a considerable claim on the consideration of Government, and might, on other accounts, be deemed a fit successor to the late Mutwalli of Hooghly.

2nd.—The reply of Colonel Alves, which together with the extract it alludes to, is forwarded in original, has satisfied the Board that they could not make a better nomination than Syed Keramut Ali. Colonel Alves and Captain Trevelyan, it will be seen, give to Keramut Ali a high character for integrity, information and intelligence, and the latter officer adds that in his opinion "he is eminently calculated to fill such a post as the one in question" (the Mutwalliship). •

3rd.—Under these circumstances the Board do not hesitate to recommend to the Right Honourable the Governor of Bengal the appointment of Syed Keramut Aly to the Mutwalliship of the Hooghly Imambarah.

4th.—A list of the candidates who have applied for the appointment since the date of my last letter is herewith appended.

I have, etc.,
(Sd.) ILLEGIBLE.

APPLICANTS FOR THE MUTWALLISHIP OF THE HOOGLHY IMAMBARAH.

Ahmud Kabeer.	Mohamed Moostakeen.
Hafezuddin Ahmed.	Ameeruddin Mohamed.
Mirza Mohammad Mehdee	Syed Ghaleb Ally.
Ishapahanee.	Buzlul Hussain.
Zynuddoen Hussain.	Ally Mehdee Khan Bahadur.
Wasick Ally Khan.	Mirza Abdul Khasim. •

Mirza Mahomed Mehdy.
Syed Sooban Ally Khan.

Syed Dad Ally.
Syed Janub Ally.

N. B.—The names noted above were included in the Board's address to Government, No. 336, dated 9th September 1836.

Mohamed Torab.
Mirza Aman Ally Khan.
Uskurray Khan.

Syed Zynuddeen.
Ahmed Ukbur.
Shaik Taukir Ally.

SUDDER BOARD OF REVENUE,
Calcutta, 5th November 1835.

MY DEAR SIR,

Having instituted some enquiries with a view to ascertain what had become of a native gentleman who accompanied Lieutenant A. Conolley through Persia to this country I have been given to understand that the individual in question (Keramut Ally) is a sudder ameen within your jurisdiction. The occasion of my enquiry was the present vacancy in the appointment of Mutwalli to the Hooghly Imambarah under the trust and will of Mohamed Mohsin.

I know no one else to whom I could so well apply for information as to the character and qualifications of Keramut Ally as yourself and this will I trust form my excuse for the present intrusion.

The Mutwallie is paid by 1/10th of the proceeds of the collections from the Trust Estates.

Would you, therefore, have the kindness to favour me with your opinion if Keramut Ally in regard to the following requisites which seem to be indispensable in the individual to be selected for the post.

- | | |
|-------------------------|-------------------|
| 1. Unblemish integrity. | 3. Intelligent. |
| 2. Well educated. | 4. Good tempered. |

It is also indispensable that the successful candidate should be a Sheea and not a Soonee and I ought to have placed this requisite first, since if he had all the other qualifications, the prejudices of those with whom he would be associated who are one and all Sheas would exclude him, if Soonee.

Would you kindly favour me with a communication on the above subject at the same time informing me whether Keramut Ally would be willing to take the appointment, if it were offered to him.

MY DEAR SIR,
Yours very faithfully,
(Sd.) ILLEGIBLE.

MAJOR ALVES,
Political Agent, Joypur.

No. 12.

To the Secretary to the Sudder Board of Revenue.

SIR,

I am directed by the Right Honourable the Governor of Bengal to acknowledge the receipt of your letter No. 512 of the 26th ultimo, and to request that you will inform the Board in reply that His Lordship approves and sanctions their nomination of Syed Keramut Alli as Mutwalli of the Imambarah at Hooghly. He is appointed accordingly. The Board will be pleased to make the necessary communication to Keramut Ali and the Local Authorities, and to request the former to join his appointment with the least practicable delay.

I have, etc.,

(Sd.) R. D. MANGLES,

Secretary to the Government of Bengal.

FORT WILLIAM,

The 3rd January 1837.

Ordered that the following letters be written to Syed Keramut Alli, Sudder Ameen at Ajmere, Superintendent of Ajmere, and Local Agent at Hooghly.

No. 17.

To

Syed Keramut Ally,

Sudder Ameen, Ajmere.

SIR,

On the 26th ultimo the Sudder Board of Revenue recommended to the Right Honourable the Governor of Bengal that you should receive the appointment of Mutwallee to the Imambarah and endowment at Hooghly vacant by the removal of Ally Akbur Khan. In consequence of the recommendation His Lordship has been pleased to appoint you to the Mutwallyship as notified to the Board in Mr. Secretary Mangles' letter No. 12 of the 3rd instant.

2nd.—You are requested to lose no time in joining your new situation when you will place yourself in communication with the Local Agents and through them acquaint the Board with your arrival.

I am, etc.,

(Sd.) F. I. HALLIDAY,

Secretary.

The 9th January 1837.

No 16.

To

The Superintendent of Ajmere.

SIR,

Herewith I have the honour to forward for your information a copy of a letter this day written under the orders of the Suddar Board of Revenue to Syed Keramut Alli.

I have, etc.,

(Sd.) F. I. HALLIDAY,

Secretary.

The 9th January 1837.

No. 18.

To

The Local Agents at Hooghly.

GENTLEMEN,

Board to Government dated the 26th December 1836.

Government in reply dated 3rd January 1837.

Board to Keramut Ally dated 9th January 1837.

Herewith I have the honour to forward for your information copies of correspondence noted in the margin.

I have, etc.,

(Sd.) F. I. HALLIDAY,

Secretary.

The 9th January 1837.

To

Commissioner of Jessore.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your predecessor's letter No. (36), under date 2nd instant, regarding certain Kharij Towleut estates attached to the Hooghly Emambarah and in reply to communicate as follows.

2nd. The Board have little doubt that the documents under which the present occupiers of Maloncha and Kantagunge hold these estates are forgeries, and that there was a time when their claims might have been successfully resisted. Whether that time has been allowed to elapse, it is not at present necessary to determine; for the first point to be decided is whether the Local Agents at Hooghly can maintain an action for these estates, supposing the title of the present holders to be ever so bad.

3rd. It would seem from the letter of the Local Agents, dated 26th December last, and addressed to Mr. Commissioner Pigon that these estates form no part of the endowment. If the fact be that the Towleutnamah particularizes certain property appropriated as Wuqf in which particularization the estates in question are not included, there must, as the Board conceive, be an end of all attempts to resume them as part of the endowment, but on this point they desire to be distinctly informed.

4th. The only other ground on which the Local Agents could maintain a suit for these estates is that as Hajee Mohsin died without heirs, such of his property as was not included in the Towleutnamah might be considered an escheat to Government; but the Board perceive from the correspondence submitted with your predecessor's letter that on 24th November 1815, the Governor-General in Council, on the recommendation of the then Board of Revenue, consented to waive the claim to escheat and allowed the occupants of the Kharij Towleut lands to retain possession of the same at the jumma then assessed upon them. If, then, this arrangement has not hitherto been interfered with, it would be scarcely possible at the present time of day to come forward with a claim on the ground that the lands are an escheat.

5th. There are, however, some circumstances regarding these Kharij Towleut estates which the Board are unable to understand from the information now before them and regarding which they request you will be kind enough to call upon the Local Agents for a full and detailed report. In a letter from the Commissioner, dated 18th July 1836, it is stated that these lands entail a large annual loss upon the trust estates. How this should happen the Board are

unable to comprehend. If these lands be neither a part of the endowment nor an escheat to Government, how did they come under the management of the Local Agents? It is obvious that the endowment ought not to suffer any detriment from the charges of management of estates with which it has apparently no connection; but previous to passing final orders in the case the Board desire to have before them the report now called for which they will be obliged by your procuring and transmitting with all practicable despatch.

I have, &c.

(Sd.) M. A. BIGNELL,

Deputy Superintendent, Legal Affairs, (Offg.).

The 27th February 1838.

Secretary, Government of Bengal,
Revenue Department.

Dated 27th March 1838.

I am directed by Sadder Board of Revenue to submit, for the consideration and orders of the Hon'ble the Deputy Governor of Bengal, the accompanying letter from the Commissioner of Jessore and enclosed report from the Local Agents at Hooghly regarding the conduct of Keramat Allee, the Mutwallee of the Hooghly Imambarah.

2. The temporary member is of opinion that the Local Agents have faithfully performed their duty according to the instructions issued to them by the Board, concurring with them in considering the conduct of the Mutwallee vexatious and unwarrantable, and would recommend his removal from office. But the majority of the Board are of opinion that he has good grounds of dissatisfaction and that he is entitled to redress at the hands of Government.

3. The senior and officiating members observe that as the Mutwallee is undoubtedly entitled to $\frac{1}{4}$ th of the net proceeds of the Trust Estate, it is unfair and unreasonable to require him to accept a specific sum of money without allowing him to inspect the account collections, that he may be enabled to judge whether the amount tendered to him be more or less than his rights.

4. They are further of opinion that in conformity with the orders of Government noted in the *margin* all the details of the management of the Imambarah and of the celebration of religious feasts and ceremonies should be left entirely and exclusively to the Mutwallee and that the portion of the annual proceeds ($\frac{3}{4}$ ths) assigned by the founder for these purposes should be paid over to him by monthly instalments—the Local Agents confining themselves solely to such general supervision as may enable them to see that the funds are appropriated according to the will of the founder.

* Mr. Secretary Mangles' letter No. 889 to Sadder Board dated 14th June 1836, paragraph 8: "But as minute and vexatious interference with the concerns of an institution partaking largely of a religious character is to be deprecated, etc."

5. Mr. Tucker in his minute annexed has given an abstract history of the Endowment from the year 1820 and recorded at large his reasons for dissenting from the arrangements made by the Local Agents in July 1836, in contravention, as he thinks, of the orders of Government of the 28th October 1835. The majority is of opinion that the appropriation of any part of the $\frac{3}{4}$ ths set apart by the testator for religious purposes to any other object is contrary alike to justice and to the express will of the Government.

6. In the latter part of his minute Mr. Tucker recommends that the $\frac{1}{4}$ th belonging to the Mutwallee and $\frac{3}{4}$ ths allowed for the Imambarah,

etc., be fixed on a calculation of the average proceeds of the Estate for a series of years and be paid by monthly instalments by the Collector of Hooghly to the Mutwallee, subject, however, to final adjustment in the accounts of the year being closed, also that the Mutwallee be informed that he is at liberty to disburse the above sums during the year for the purposes specified in the will and of no other. The recommendation has the entire concurrence of the Senior Member.

7. With regard to Keramat Allee's claim for a share of the proceeds from the date of his appointment, Mr. Tucker conceives that it will be sufficient to allow him a reasonable sum, for travelling charges and in this the temporary member concurs. The Senior Member with advertance to the expense he must have incurred in travelling for so great a distance, and to the usage, in cases like this, of appointment by Government merits him, entitled to his $\frac{1}{3}$ th from the date of his appointment.

8. On receipt of the Government orders, the Senior and Officiating Members of the Board purpose granting to Keramat Ally a sunud of appointment as Mutwallee and defining his powers and authority to prevent future disputes and doubts on this very important point so essential to the proper and effective discharge of the Trust committed to his management.

(Sd.) ILLEGIBLE.

NOTE BY THE SENIOR MEMBER.

On the 26th ultimo I received this reference and required the whole of the previous papers, which have not been submitted, but I have had an abstract made in English, of which information there submitted possess, and I proceed to record my opinion, which is completely at variance with that dated the 24th ultimo of the temporary member.

2. In the first place, I think, Keramat Ally, Mutwallee, is entitled to his $\frac{1}{3}$ th share from the date of his appointment by Government, viz., 3rd January 1837.

3. In the second place, I think, Keramat Ally is entitled, under the orders of Government above quoted, to have a written order putting him officially into office of Mutwally, and all the circumstances of control, power and authority possessed and held for so many years in like manner under the appointment of Government by his predecessor, Syed Ally Akbar Khan, and that he may ask to know in what manner the Estates belonging to this Towleut are administered, and may interfere with his counsel and recommendation, also that he is entitled to have an account of the collections and balances given to him as well as a full explanation of whatever sums are withheld from him being the income of those Estates. His right by the

Government orders is to 1/4th of the actual collections of the zemindarees, and he is entitled to see the account of those proceeds and to take part in the account thereof. It is very possible that amongst the servile class of Mussalman *omedwars* the Local Agents might readily find an individual who would take whatever was offered, and I think that a godsend, but that would not be supplying a fit Mootwallee who would do his duty to the Estates and towards the Imambarah. It is highly expedient that we should require, through the Commissioner, of the Collector of Jessore an account of the collections, balances and remittances for 1242-3 and 4, and from the Local Agents, a circumstantial detail of their system of interference, pointing out to them that we consider Keramut Uly should have the exclusive and entire management of the Imambarah and all its concerns and dependencies strictly and to the full extent in any respect that it was possessed and held under the orders of Government for so many years by Syud Akbar Ally Khan. If necessary, this should be specifically declared and laid down consistently with the Honourable Court's despatch—and of the rule enjoined by Government for interfering as little as possible with such matters, I would ask why the Government has appointed a Mootwally, instead of leaving all to the Local Agents,—certainly because the Government desires the people should manage all their own religious matters and that its officers should not interfere in their administration. I think we should require of the Local Agents a quarterly abstract report of their correspondence with the Mootwally and of his answers that it may be on our records the interference that is exercised.

Mr. Blunt's rules* sufficiently provide for the limitation of the Mootwally's power in the disbursement of the funds available for the purposes of the endowment:—

* *Vide* rules framed by the 3rd Member of the Board dated 23rd March 1829.

- 1st.—He is to confine his expenses to the net proceeds and to divide these into the shares prescribed by the Towleutnamah, applying each share to the purpose directed.
- 2ndly.—He is not to contract debts on any account, and, in the event of advances being required from the public treasury, the sanction of this Board is to be obtained.
- 3rdly.—All contingent disbursements exceeding 1,000 Rs. are to be sanctioned by the Local Agents, and estimates are to be furnished for repairs of buildings.
- 4thly.—The Mutwally is to furnish lists of all establishments with specification of the amount of allowance to each person.
- 5thly.—Also a statement of all outstanding debts or loans which have not been liquidated.
- 6thly.—The 1/4th share allotted to the Manager of the Estates at Jessore to be applied to the liquidation of debts.
- 7thly.—The Collector of Jessore to furnish half-yearly a Jumma Khurrah account exhibiting the surplus income of the

endowment and from which the Local Agents are to judge of the amount to be advanced to the Mutwally.

8thly.—A Gooshwarra or abstract account of receipts and disbursements is to be furnished by the Mootwally in a form to be approved by the Commissioner, and he is to explain the items upon audit.

9thly.—Loans and payments of them are to be separately and distinctly exhibited.

The above is an extract of Mr. Blunt's rules, but they are defective to my apprehension in the following respects: First, the Collector of Jessore is to furnish only a Jumma Khurch, *i.e.*, a statement of collections and disbursements, but he should be ordered to furnish a Jumma Wasil Baquee exhibiting that the full year's Jumma has been duly realized or explaining why not. There is surely a material omission, and in one, specially with reference to the estate being managed chiefly in Putnee so that it is as easy for the Collector to shew the state of his collections set against the jumma and demand as of the malgoozary Mehals of the district under the putnee system, the Jumma Wasil Baquee need only be furnished half-yearly at the periods prescribed for the sales; but if they be not furnished, the Collector's unlah may embezzle half the proceeds without anyone having the means of knowing whether the Jumma is or is not collected.

Secondly.—The rules do not provide any method of checking the Collector's account at the half-year's profits nor of determining periodically what is available for appropriation to Towlent purposes; a half-yearly jumma khurch is to be furnished, and from it the Commissioner is to judge how much is to be advanced in the succeeding half-year. But this, of course, is all in account, and there is no provision for an annual wind up and for a striking of balance of Towlent expenditure against income.

Thirdly.—The Mutwally is to render half-yearly account in abstract. This appears to me objectionable. He should receive a fixed sum monthly and render to Commissioner a monthly account of its disbursement and at the end of the year, when the Collector has furnished his Jumma Wasil Baquee of the saaltamamee and the Jumma Khurch, the advances made should be separately balanced against the net profit realized and the balance, if in excess, be appropriated according to the provisions of the Towlentnamah.

Fourthly.—Mr. Blunt has rightly declared that the Local Agents and Commissioner are not to interfere with the ministering of the endowment or of any of its religious observances. That these are to be regulated by the Mootwally alone subject to the condition of obtaining previous sanction for contingent disbursements exceeding 1,000 Rs. and of submitting estimates for repairs of buildings,—all this is very right and very conformable to the orders in the despatch of the Court of Directors, which has been printed, but the practice is not conformable with the rule. The Local Agents and Commissioner

have, it seems, prescribed specific sums as to be spent at each festival and ceremony,—all the servants and Koran readers are under their control, and the carpets and other furnitures of the Imambarah is said to have been carried away to fit out the English school established. This surely constitutes a direct violation of Mr. Blunt's rules and no less so of the instructions of this Board and of the Government.

Fifthly, and lastly.—The rules do not give to the Mootwally any voice in taxing the Collector's accounts of realizations and disbursements from the Estate which, as a sharer in the profit, he ought to have; fresh rules in accordance with the foregoing suggestions should, I think, be made out, and a copy furnished not only to the Revenue authorities and Local Agents, but also to the Mootwally and Education Committee; now that they are to have the $\frac{1}{4}$ th heretofore appropriated to the Jessore management, and afterwards to the payment of debts since 1835 assigned to the Committee, I am quite at a loss to understand on what grounds the temporary member finds the Mutwallce so much to blame. I consider him a very valuable public officer and entitled to great respect and consideration.

(Sd.) J. PATTLE.

8th February 1838.

To

The Sudder Board of Revenue.

SIR,

I am directed by the Honourable the Deputy Governor of Bengal to acknowledge the receipt of your letter No. 146 of the 27th ultimo, with its enclosures, relative to the affairs of the Hooghly Imambarah.

2nd. The questions submitted for the orders of Government in this case appear to be the following:—

First.—Has the conduct of the present Mutwallee Keramut Ullee been vexatious and unwarrantable and is he deserving of dismissal?

Second.—Is the Mutwallee entitled to receive as his personal allowance a full $\frac{1}{3}$ th of the annual net income derived from the Jessore Zemindaris and to satisfaction as to the due division of the income by inspection of accounts?

Third.—Should the full $\frac{1}{3}$ ths of the net annual income of the said zemindaries be paid over monthly to the Mootwally for the support of the Imambarah and the performance of the religious rites and ceremonies prescribed by the will? or may the Local Agents reduce or advise the reduction of the amount of the payments to the Mutwallee on this account or can they interfere in the details of its expenditure?

Fourth.—Is the Mutwallee entitled to receive his personal allowance from the date of his appointment or from the date of his taking charge of the Imambarah?

3rd. To the first of these questions I am directed to reply that the Deputy Governor can see nothing in the conduct of Keramut Ullee, the Mootwallee, at all deserving of blame, still less of dismissal from office.

4th. To the second question I am to reply that the Mutwallee is, beyond doubt, entitled to receive a full $\frac{1}{3}$ th of the annual net income derived from the Zemindaries as personal salary, while common justice requires that he should be assured by inspection of accounts that what he does receive is the full amount to which he is entitled.

I am instructed to answer that under the terms of the will and under the orders of Government, dated 28th October 1835, the Mutwallee should receive full $\frac{1}{3}$ ths of the annual net income of the Zemindaries for the support of the Imambarah and for the performance of the prescribed religious rites and ceremonies and that he should be left to appropriate the money to these purposes according to his own discretion furnishing such accounts of its appropriation

as the Board may require him to furnish. Should the Local Agents on inspection of the Mutwallee's accounts see cause to disapprove of his proceedings in this respect, they will represent the matter to the Board through the usual channel.

5th. The mode of adjusting the amounts to be paid to the Mutwally as the $\frac{1}{4}$ th and $\frac{3}{4}$ ths shares above mentioned should be that recommended by the majority of the Board, and the Mutwally should be allowed to inspect the Zemindaree accounts in order to satisfy himself as to their correctness.

6th.—His Honour further remarks under this head that the attempt mentioned by Mr. Tucker to take from the $\frac{3}{4}$ ths fund assigned for the support of the Imambarah and religious ceremonies, a large portion to be applied to other purposes, is wholly unwarranted; and he desires that the Board will forthwith prohibit any such misappropriation of the fund in question.

7th.—Upon the fourth question I am directed to state that the Mutwallee in His Honour's opinion is entitled to his $\frac{1}{4}$ th of the income from the date of his appointment. It should be paid to him, therefore, without delay and the amount drawn by the Acting Mutwallee should be charged in the accounts as a contingent expense.

8th.—In regard to the conduct of the Mutwally in refusing to allow Lt. Fagan to employ workmen on the Imambarah premises, the Deputy Governor would not view it in the unfavourable light in which it has been represented by the Local Agents, if, as appears to have *been the case*, Lt. Fagan proposed to pull down buildings or the premises without plans or estimates for the new buildings to be erected in their stead having been prepared and without it having been determined when the latter were to be erected and who was to superintend their erection.

9th.—In order to prevent future misunderstanding His Honour directs that in communicating to the Mutwallee the present orders, the Local Agents furnish him with a copy of the first eight paragraphs of this letter.

10th.—The Deputy Governor has observed that Dr. Wise, who is in some respects a paid servant of the Institution, is also one of its Superintendents in his capacity of Local Agent. This double capacity being open to objection and misinterpretation His Honour is pleased to direct that another officer may be nominated to act as Local Agent in the room of Dr. Wise.

11th.—The enclosures of your letter are herewith returned, copies having been kept for record.

I am, etc.,

(Sd.) F. I. HALLIDAY,

Offg. Secretary to the Government of Bengal.

FORT WILLIAM;

'The 17th' April 1838.

To

The Sudder Board of Revenue.

GENTLEMEN,

I have the honour to refer to your letters No. 60 of the 27th ultimo and No. 158 of the 5th instant calling for further information relative to certain Kharij Towleut Estates attached to the Hooghly Emambarah and to transmit copy of a letter on the subject from the Local Agents dated 24th instant, No. 19.

2nd.—It appears to me that no claim can, on the Local Agents' shewing, be made for the recovery of these lands, and all that is to be done is to see that the receipts and disbursements on account of these Mehals are not mixed up with the receipts and disbursements on account of the Imambarah.

I have, etc.,

(Sd.) W. DAMPIER,
Commissioner.

JESSORE,

Commissioner's Office,
18th Division, at Allipore,
The 30th April 1838.

No. 19. •

To

W. DAMPIER, ESQ.,
Commissioner of Revenue,
18th Division,
Allipore.

SIR,

In reply to your letters of the 19th instant and of the 6th March with enclosure from the Deputy Superintendent, Legal Affairs, we have the honour to state that along with our letter of the 26th December last we forwarded extracts from every letter in our possession which could throw any light upon the subject of the Kharij Towleut Estates. These Estates were never, as we have before stated, included in the Trust property and consequently have never been separated from it. They have always existed as distinct estates set apart apparently by Hajee Mohsin for his personal support at the time when he executed the deed of endowment and by that act deprived himself of the greater part of his property, sometime after the death of the Hajee, when an enquiry took place into the

amount of property bequeathed by him and the uses to which it had been put. It was discovered that two of these Kharij Towlet Estates, viz., Molancha and Cantagunge were possessed by individuals who held them under what were supposed to have been forged pattahs bearing the seal of the original proprietor. Khezirpore, Bagbalore, Imamnagore and Sonadang were found to be in the possession and under the management of the Mutwallie. It was the opinion of the Local Agents at that time and it has also since been recommended by them that these Kharij Towlet Estates should be taken possession of by Government as an escheat, and that their connection with the Imambarah should cease at once. It was not however, it would appear, deemed expedient to follow this course, and in conformity with a recommendation of the Board conveyed in the 5th paragraph of their letter of the 10th November 1815, His Lordship in Council on the 24th of the same month determined that these estates should remain in the possession of their respective occupants. The four estates which we have before mentioned continued consequently in the hands of the Mutwallie, who has, it would appear, since that time instituted suits relating to them in various courts without any objection being raised by any one to his authority for so doing. The income of these estates being very trifling and frequently indeed falling short of the demands against them, the expenses of these suits and in some instances the expenses of management fell naturally upon the funds of the endowment, there being no other source within his reach from whence the Mutwallie could defray the charges. The receipts of the Kharij Towlet Estates were in like manner paid over to the endowment and indeed there appears for many years to have been no distinction made between the Kharij Towlet Estates and those included within the deed of endowment; whether the Mutwallie ever had any express authority for thus mixing up the accounts appears to be doubtful; at least we can find no traces of any orders upon the subject in our office. The practice, however, does not appear to have been objected to either by the Board or the Local Agents, and the Mutwallie, we imagine, must have considered that the Board in passing his accounts containing many items of expenses incurred in the management of the Kharij Towlet Estates gave their sanction to this application of the money.

We have etc.,

(Sd.) W. H. BELL,

(Sd.) E. A. SAMUELS,

Local Agents.

LOCAL AGENTS' OFFICE,

HOOGHLY,

The 24th April 1838.

No. 197.

To

Commissioner of Jessore,

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 224 of the 30th ultimo and its enclosure and in reply to inform you that the Board are of opinion that the Kharij Towlent Estates therein alluded to are altogether distinct from the Trust property and you will, therefore, be pleased to instruct the Local Agents to discharge them altogether from the accounts of the endowment.

I have, etc.,

•
• (Sd.) E. CURRIE,

Offg. Secretary.

The 15th May 1838.

Commissioner of Jessore.

SIR,

With reference to the correspondence which has taken place on the subject of the Houghly Endowment, I am directed by the Sudder Board of Revenue to transmit for your information and guidance and for that of the Local Agents copy of the orders of Government No. 712, dated 17th ultimo.

2nd.—You are requested immediately to forward to the Local Agents, a copy of these orders and to call upon them to report, without delay, the manner in which they shall have fulfilled the instructions therein detailed which I am directed here briefly to recapitulate viz. :—

Firstly.—That the Mutwallee be immediately paid the arrears of his allowance viz., one-ninth of the annual net income derived from the Zemindaris from the date of his appointment, the amount drawn by the Acting Mutwallee being charged in the accounts as a contingent expense.

Secondly.—That he be for the future paid for the performance of the prescribed religious ceremonies and support of the Imambarah a full $\frac{1}{9}$ ths and no less of the the annual proceeds of which he is to have the undisturbed disposal subject only to the periodical submission of accounts to the Local Agents.

Thirdly.—That he be afforded by the Collector every facility of ascertaining by inspection of the revenue accounts of the lands belonging to the endowment that that which he does receive as a full $\frac{1}{9}$ ths is the full amount to which he is entitled as the share of the rents allotted for the performance of the prescribed religious ceremonies and support of the Imambarah and for his own personal allowance.

3rd.—You will be pleased to require from the Local Agents a statement shewing what amount out of the $\frac{1}{9}$ ths which under the present orders of Government should have been paid to the Mutwallee as above on account of the Imambarah has been appropriated by them to other purposes in contravention of the Will of the founder.

4th.—With reference to the 5th paragraph of the Government orders herewith communicated I am directed to annex extract paragraphs 4 and 6 of the Board's address to Government. You will be

pleased to issue suitable instructions in order to provide for the monthly payments to the Mutwallee in conformity with the principle laid down by the Board.

5th.—Adverting to the 9th paragraph of Mr. Secretary Halliday's letter, I am desired to enclose versions in Persian and Bengalee of the first 8 paragraphs of the Government orders for communication to the Mutwallee.

6th.—In conclusion, I am directed to request that you will acquaint Dr. Wise that it is His Honour's pleasure that he should cease to exercise the duties of a Local Agent for the reasons assigned.

I have etc.,

(Sd.) E. CURRIE,

Offg. Secretary.

The 15th May 1838.

Miscellaneous,
Revenue Department.

No. 378.

To

The Sudder Board of Revenue,
Fort William.

GENTLEMEN,

I have the honour to transmit you copy of a letter from the Local Agents at Hooghly, No. 36, dated the 21st instant, relative to the refusal of the Mutwallee to allow any part of the $\frac{3}{4}$ ths share to be liable for the charges of the hospital founded at Hooghly, the whole of that share being made over to him for the support of the Imambarah and the performance of the prescribed religious ceremonies.

2nd.—I consider that the Mutwallee is acting in a manner consistent with his situation as he has no power or right to transfer, to any other purpose however useful, those funds which are made over to him to meet specific expenses, and if the hospital is to be kept up, the expenses must, I think, be placed to the $\frac{3}{4}$ ths share or to the $\frac{1}{4}$ th which the Government has assumed as its right as occupying the place of one Mutwallee.

3rd.—I regret much to observe the Local Agents' seeming to think that they are under the Mutwallee as regards the hospital, because he refuses to supply the expenses from the $\frac{3}{4}$ ths share at their call. It is their duty to check his proceedings and accounts but surely it forms no part of their duty to apply any part of the $\frac{3}{4}$ th share placed at his disposal according to their wishes or the representations of the Civil Surgeon.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

JESSORE,

Commissioner's Office,
18th Division at Allipore,
The 25th July 1838.

No. 36.

To

W. DAMPIER, Esq.,

Commissioner of Revenue for the 18th Division,

Allipore.

SIR,

We beg leave to submit for your consideration and orders a copy of Mr. Assistant Surgeon Rais's address to us asking for an advance of 50 rupees for the Imambarah Hospital daily expenses.

2nd.—We avail ourselves of this opportunity to explain that the Mutwallee under the discretion conferred on him by rule 2, paragraph 2 of Mr. Officiating Secretary Currie's letter to you, dated the 15th May, has declined to hold the 3^{ths} liable for the charges of the Hospital, and that he has accordingly from the 17th April last the date of Mr. Officiating Secretary Halliday's letter transferred all items of expenditure under that head to the 4th share.

3rd.—In conclusion we solicit distinct instructions how we are to proceed in future as regards the Hospital; are we to consider ourselves as acting under the Mutwallee or are we competent to receive and comply with the requisitions of the Civil Surgeon made direct to us?

We have, etc.,

(Sd.) W. H. BELLI,

(Sd.) E. A. SAMUELLS,

Local Agents.

LOCAL AGENTS' OFFICE,

HOOGHLY.

The 21st July 1838.

To

The Local Agents,

Hooghly.

GENTLEMEN,

I request you will have the goodness to order that 50 rupees of the monthly allowance for this hospital, be monthly paid in advance to pay the daily expenses.

2nd.—It is necessary that this be done immediately as the Bazar merchants will not give credit to the Hospital and some of the servants have already privately advanced money on its account, a measure which ought not to be allowed in such an Institution.

I have, etc.,

(Sd.) G. RAIS,

Asst. Surgeon and Offg. Supdt.,

Imambarah Hospital.

ZILLA HOOGHLY,

The 16th July 1838.

To

The Sudder Board of Revenue,

Fort William.

GENTLEMEN,

With reference to your letter No. 205 of the 15th May last giving cover to the orders of Government No. 712 of the 17th April regarding the affairs of the Hooghly endowment, I have the honour to submit copy of a letter dated the 23rd July, No. 37 and enclosures, from the Local Agents at Hooghly.

2nd.—It appears to me that the Local Agents do not rightly comprehend the tenor of the Government orders as they expect the Mutwallee to defray expenses not in the least connected with the religious ceremonies and support of the Imambarah out of the funds which are given unto him, solely and exclusively for that purpose.

3rd.—All miscellaneous expenses not immediately connected with the purpose for which the 3th share was set aside by the founder must, I apprehend, be defrayed from the 3th share, and if such disbursements have hitherto been made from the proceeds of the 3th, the statement given in the 3rd paragraph of the Local Agents' letter is an erroneous one, and they should furnish an account of these disbursements as required in the 3rd paragraph of your letter under notice.

4th.—There can be no objection, I think, to the Collector's making payments in advance to the Mutwallee on his receipt on account of the 3th and 4th shares for the Government having assumed the management of the property is bound to afford every facility to the performance of the object of the Donor's Will.

5th.—With regard to the specific instructions required by the Local Agents, I am inclined to consider the instructions of the Government and the Board together with Regulation XIX of 1810 amply sufficient, but as they do require specific orders I would propose to direct them to interfere as little as possible with the Mutwallee, and to confine their duties to the quarterly inspection of his accounts and then only to ascertain, whether the sums he has received from the Collector on account of the 3th share have been appropriated exclusively for the performance of the prescribed religious ceremonies and support of the Imambarah and that they have no control beyond that. In point of fact my own opinion is, that the character of the Government and its

officers will be better upheld in the minds of the people, the less we meddle or interfere with anything affecting their religion.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

JESSORE COMMISSIONER'S OFFICE,

18th Division at Allipore,

The 3rd August 1838.

No. 37.

To

W. DAMPIER, Esq.,

Commissioner of Revenue.

for the 18th Division,

Allipore.

SIR,

We have the honour to acknowledge the receipt of your letter No. 22 of the 28th May together with its accompaniments on the subject of the course to be pursued by us in certain matters appertaining to the general management of the Hooghly Imambarah.

2nd.—The press of more important business especially in the hands of our Junior Member has prevented our replying earlier. We proceed now to offer such remarks as seem more immediately pressing.

Firstly.—We beg to state that the Mutwallee has been made acquainted fully with the instructions under acknowledgment and that he has received the whole of the ½th that was in deposit saving that portion which accrued between the date of his appointment and the date of his assuming charge; what the precise sum is we must distinctly ascertain from the Mutwallee who has not answered the question but be it what it may, there is no fund to meet the charge, so the Collector must be directed to advance it from the Government treasury to be adjusted hereafter as directed. We solicit orders accordingly.

Secondly.—We annex a statement exhibiting the net receipts of the past four years remitted by the Collector of Jessore. This account seems to place at disposal an average sum of Rs. 20,039-15-8 per annum appropriable to ½th and ¾th, and we request to be informed if the Collector is authorized to advance the amount monthly in equal sums. On being furnished with receipts by the Mutwallee we must here solicit some special order for supplying the expenses of the ½th which the Board has altogether passed by. This is more urgently called for since the Mutwallee acting upon the discretion vested in him by Mr. Secretary Halliday's letter of the 17th April. has excluded from the ¾th, sundry items of which the Hospital is one source of expenditure, perhaps the

most beneficial of all in its results and offending the prejudices of no class or sect of people.

3rd.—With reference to the requisition conveyed in Mr. Secretary Currie's 3rd paragraph we respectfully beg to state that no portion of the §th has ever been appropriated by us to other purposes than those designated in the will of the Founder, and that the whole of the items which are now charged to the §th respectively, have been so charged ever since the period when the Estate first came under the supervision of the Local Agents. The

* We subjoin copy of his urree to us.

† The orders of the Governor-General in Council of the 28th October 1835, however, direct that the §ths shall be permanently assigned for the current expenses of the Imambarah several of which, it will be observed, the Mutwalli wishes to make over to the §ths.

Mutwallee*, it appears, conceives that under the present orders of Government, he is authorized to transfer all charges not strictly connected with religion from the §th to the §th and objects accordingly to the entry of the annexed items in the accounts of the §th. To† the proposed transfer, we have no objections whatever, should the Board consider it advisable but as the items were not inserted where they now stand by the Local Agents, we have no accounts to furnish of the nature indicated by the Board.

4th.—In conclusion, we would earnestly entreat that our powers and duties in regard to the management of this Institution may be so accurately defined as to leave no room for future misconstruction. We beg to assure our superiors that nothing can be further from our wishes than to interfere needlessly with the Mutwallee, or to exercise any supererogatory control over the affairs of the Imambarah. Our close superintendence of the management for the last two years has been owing, entirely, to the positive orders which are received from the Board (21st March 1836). To keep a strict supervision and scrutiny over the management of the Estates and over the proceedings of the Mutwallee, to examine closely, and audit all his accounts, and to check at once the slightest deviation from the rules already framed, or which the Local Agents themselves may draw up to

* These orders were approved by the Governor General in Mr. Secretary Mangle's letter of the 14th June 1836.

obtain a proper insight into the Mutwallee's management, we* have never on any one occasion so far as we are aware exceeded these instructions. It would now appear, however, that we are considered to have been overstrict in this matter and we, therefore, trust that the Board will consider our request to have our duties and responsibilities accurately defined as no more than what is just and equitable.

We have, etc.,

(Sd.) W. H. BELLI,

E. A. SAMUELLS,

Local Agents.

LOCAL AGENTS' OFFICE,

HOOGHLY,

The 23rd July 1838.

SUDDER BOARD OF REVENUE,

The 7th August 1838.

No. 404.

To

The Commissioner of Jessore,

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 378 of the 25th ultimo and its enclosures stating that the Mutwallee of the Hooghly Endowment has refused to allow any part of the 3rd share to be appropriated to the charges of the hospital.

2. The Board do not understand how the Local Agents, after the late orders, should advocate the appropriation of any portion of the 3rd share to purposes other than those specified in the will of the Founder.

3. By the orders of the Supreme Government dated the 28th October 1835, paragraph 10, it is expressly directed that the expenses of the hospital shall be charged on the 3rd share or funds applicable to general purposes, and you will be pleased to instruct the Local Agents accordingly.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary.

SUDDER BOARD OF REVENUE,

August 21st, 1838.

No. 427.

To

The Commissioner of Jessore.

SIR,

The Sudder Board of Revenue having had before them your letter No. 403 of the 3rd instant, and its enclosures, together with the previous correspondence relative to the Hooghly Imambarah, direct me to reply as follows:—

2. Respecting the arrears of the $\frac{1}{3}$ th share due to the Mutwallee the Board are of opinion that as the former accounts have been adjusted, the amount must be paid from the current year's $\frac{1}{3}$ th share reserved by Government as the portion of the second Mutwallee not in office.

3. The Board cannot take upon themselves to say precisely what expenses justly appertain to the $\frac{1}{3}$ th share but they concur with you in opinion that the Local Agents should interfere as little as possible with the Mutwallee generally confining their interference to ascertaining by an inspection of the accounts he renders of this share that he has applied this money to the purposes for which he receives it.

4. The orders of Government of the 28th October 1835, which are quoted by the Local Agents, distinctly declare that the hospital expenses, which of course includes medicines should be charged to the $\frac{1}{3}$ th share and yet the Local Agents would appear to desire this charge to be made on the $\frac{2}{3}$ th share.

5. In the statement appended to the Local Agents' letter, the only item which would appear to belong to the $\frac{1}{3}$ th share is stationery for Imambarah, and which must be so trifling that the Mutwallee can scarcely object to it.

6. The Board see no reason why the money should be paid in advance from the Government Treasury. The Mutwallee will receive his portion as the revenue may be collected and in the same manner with the Local Agents for all the disbursements which are to be made by them out of the $\frac{1}{3}$ th share.

7. As it appears that the charges now objected to by the Mutwallee, have been, heretofore, defrayed from the $\frac{1}{3}$ th share ever since the Endowment came under the control of the Local Agents, and were

not originally placed under that head by them, the Board would not now interfere with past accounts, but they desire that such charges be transferred to the proper head in future.

8. No further instructions are required beyond those proposed in the last paragraph of your letter under acknowledgment, which are entirely approved by the Board and which you are requested to communicate to the Local Agents.

(Sd.) ILLEGIBLE.

To

E. CURRIE, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

I am directed by the Hon'ble the Deputy Governor of Bengal, to forward in original a letter from the Officiating Secretary to the Government of India in the Revenue Department, together with the documents which accompanied it.

2. It appears that Wasik Allee Khan was, as he represents, one of the Mutwallees of the Hooghly Imambarah, and was removed from that office by the Board of Revenue on the ground of embezzlement, and misconduct.

3. Against this removal, Wasik Allee Khan in 1818 petitioned the Governor-General in Council; his petition was referred to the Board and reported on under date 16th July 1819. On the 13th August 1819, the Governor-General in Council, on consideration of the Board's report pronounced their proceedings "Entirely satisfactory." Wasik Allee Khan subsequently sued in the Zillah Court of Hooghly to set aside the order of Board of Revenue, and to recover the Mutwalleeship, and being unsuccessful there and again in appeal before the Provincial Court. made a special appeal to the Sudder Dewanny Adawlut. His case was heard by four Judges in succession, of whom three concurred in affirming the decisions of the courts below.

4. Thus it would appear that the matter has been finally disposed of and is incapable of revival. But as the object of the Supreme Government is probably to obtain detailed information as to the grounds of the petitioner's removal, I am directed to request that the Board, after referring to the records of that period, and to the subsequent consultations of 1832 and 1833 in their office, will furnish a full report on the subject, forwarding at the same time such papers as may be necessary for further elucidation of the case.

I am,

SIR,

Your most obedient servant,

(Sd.) F. I. HALLIDAY,

Secretary to the Government of Bengal.

FORT WILLIAM,

The 5th February 1839.

No. 19.

To

F. I. HALLIDAY, Esq.,

Secretary to the Government Bengal.

SIR,

I am directed by the Hon'ble the President in Council to forward you, to be submitted for the consideration of the Hon'ble the Deputy Governor of Bengal, the accompanying Memorial from Wasiq Ali Khan with its accompaniments, received by the Government of India through the Agents of that person, and to request that His Honour will be pleased to return it, with a report upon the subject thereof, and such papers as may be required to elucidate the same.

I have, etc.,

(Sd.) I. P. GRANT,

Offg. Secretary to the Government of India.

COUNCIL CHAMBER,

The 14th January 1839.

Dated 23rd November 1838.

To

The Hon'ble Colonel W. MORRISON, C.B.,

President of the Council of India in Council.

The humble petition Wasiq Uli Khan of the Shea Sect, son of Rujub Uli Khan deceased, Mutwallie of the Imambarah of the late Hajee Mohammad Mohsin, at Hooghlee and of the Wuqf or Appropriation connected therewith and by him created —

Sheweth —

That the late Hajee Mohammad Mohsin succeeded by right of inheritance among other property to the Property inherited by appropriator. Zamindaree of Perganah Suedpoore, etc., in the district of Jessore, and by regularly paying for the same revenue to Government which was fixed annually according to the Decennial Settlement at S. Rs. 8,76,712 was seized and possessed of it for a number of years and up to, and at the time, when he made such appropriation as hereinafter mentioned. That being a pious and devout man and having no children or grandchildren or in fact any legal heir according to Mahomedan Law. the Hajee appropriated, and gave as a religious Endowment, the whole of his property (with the reservation of a small portion only, consisting of seven villages to supply his own personal expenses), as a permanent appropriation for the performance of certain religious, ceremonious and charitable acts

enjoined by the Mahomedan religion according to the practice and usages of the Shea Sect to which he belonged, and the observance of which ceremonies and acts had been established long previously by his own family.

That the above appropriation was made by a regularly drawn Deed of appropriation only executed by him and written in the Persian language and character, bearing date the 9th day of Bysakh in the Bengal year 1213, corresponding with the 20th day of April in the year of Christ 1806, a true copy whereof, in translation marked No. 1 is hereunto appended. That the above deed of appropriation was duly registered in the office of the Registrar of the Zillah of Hooghly as No. 122 on the 9th day of June 1806 C. E., That the said Hajee Mohammad Mohsin, the endower or appropriator, in pursuance of the provisions of the said deed of appropriation, and, in order to carry into execution the Trusts thereof had, as mentioned in the said deed, publicly placed Rujub Uli Khan, the father of your petitioner, and Shakir

Uli Khan, also therein mentioned in charge of the Towleut and Waqf as Mutwallees thereof and did thereupon cause their names as Mutwallees, to be duly registered on the 11th Bhadoon 1214 B. E., corresponding with 26th August 1817 C. E., in the books of the office of the Government Collector of the Zillah of Jessore in lieu of the name of the said appropriator, which had previously stood therein as registered proprietor of the lands, the subject of the said endowment as by a reference to the records of the said last mentioned office will appear. That the said Rujub Ali Khan and Shakir Uli Khan continued thence forward to act as such joint Mutwallees up to the time of the

death of the said appropriator, which happened on the 14th of the month of Aughun in the Bengal year 1219, corresponding with the 27th of the month of November in the year of Christ 1812, without his, the said appropriator's having in any manner attempted to alter or revoke the said deed of appropriation.

That from and after the death of the said appropriator and up to the month of Bysakh, in the Bengal year 1220, corresponding with the month of May in the year of Christ 1813, the said last mentioned persons continued to act as such joint Mutwallees as aforesaid; and that in the said month of Bysakh, the said Shakir Uli Khan "finding himself unable (in consequence of indisposition) to conduct the business of the endowment," did duly appoint one

Appointment of Baquir Uli Khan. Baquir Uli Khan, his eldest son, being one whom he thought deserving a Mutwallee to act in his behalf under and by virtue of the power and authority for that purpose given to him, the said Shakir Ali Khan as one of such Mutwallees, as aforesaid in and by the said deed of appropriation as will appear by reference thereto. That the said Baquir Uli Khan did accept the trusts of the said endowment and did, immediately, on his appointment thereto enter upon the execution thereof, and that the said Rujub Uli Khan did continue to act in the said Trusts

after the retirement of the said Shakir Uli Khan, and from and after the appointment of the said Baquir Uli Khan, and did up to the month of Magh in the Bengal year 1220, act jointly with him, the said Baquir Uli Khan as such respective, original and substituted Mutwallees as aforesaid.

That in the said month of Magh the said Rujub Uli Khan likewise, "finding himself unable (by reason of old age and bodily infirmity) to conduct the business of the Endowment," did under, and by virtue, of the above-mentioned power in the said deed of appropriation appoint your petitioner, his son, whom he thought deserving "as Mutwallee to act in his behalf in and by a certain deed of appointment, duly executed by him and written in the Persian language and character bearing date the 1st of Magh, in the Bengal year 1220, corresponding with the 13th day of January in the year of Christ 1814," a true copy whereof in translation marked No. 2 is herunto appended. That the said Rujub Uli Khan thereupon, duly applied to the said Government Collector and prayed that the name of your petitioner might be substituted for the name of him, the said Rujub Uli Khan as Mutwallee of the said Endowment in the books of the office of the said Government Collector of Revenue in the said Zillah of Jessore as will appear truly and at large by reference to the records of the said office and by two several Purwanahs of the said Collector issued by reason of such last mentioned application and bearing dates respectively, the 21st day of August and the 5th day of September in the year of Christ 1815, true copies whereof respectively in translation and marked as Appendix A, are annexed to the observations on Mr. C. R. Barwell's decision herunto appended. That your petitioner was duly put in actual charge of the said Endowment by his said father, Rujub Uli Khan in his life time, under and by virtue of the power for that purpose given in and by the said deed of appropriation, and which power was duly exercised in and by the said deed of appointment so executed by the said Rujub Uli Khan as aforesaid; and that your petitioner, and the said Rujub Uli Khan as aforesaid and that your petitioner and the said Baquir Uli Khan did from thenceforward and up to the time hereinafter mentioned jointly act as such substituted Mutwallees as aforesaid.

That the said Rujub Uli Khan, your petitioner's said father, departed this life on the 28th day of Kartick in the Bengal year 1223, corresponding with the 12th day of November in the year of Christ 1816, leaving your petitioner, his appointee, Mutwallee, as aforesaid acting in his stead and place and without having in any manner revoked or altered the said deed, in and by which your petitioner was by him appointed Mutwallee as aforesaid.

That about this time an appeal to the Privy Council, at the suit of one Mirza Bundeh Uli was pending being an appeal in a suit instituted by him against the said appropriator and the Mutwallees of his Endowment aforesaid, in the Zillah Court of Hooghly and in that suit in which decisions in all the inferior courts had been against the said Mirza Bundeh Uli, he sought to obtain possession of all the lands forming the subject of the Endowment

aforesaid on the ground of a gift alleged to have been made to him, the said Mirza Bundeh Uli in and by a certain deed proved to have been forged, but by him alleged to have been executed by one Munnoojan Khanam, sister of the said appropriator inherited the said lands. That the said Mirza Bundeh Ali being very much exasperated against the Mutwallees of the said Endowment by reason of the opposition which he had met with from them in his said suit and the disappointment caused by his failure in every one of the Courts in India, into which he carried his suit and instigate and induce certain

Conduct of Mirza Bundeh Ali towards the Mutwallee.

evil disposed persons to lay a complaint before the Sudder Board of Revenue against the said Baquir Uli Khan and your petitioner as such joint Mutwallees as aforesaid. That immediately upon such complaint being made and without waiting to ask or consider whether the character and situation of the complainants gave any weight to or throw any suspicion upon the complaint or whether the probabilities were in favour of such complaint being true or false the said Board of Revenue did depute one Uli Akbar Khan who was at the time employed as Wakeel of Imrat Rao to enquire into the merits of the complaint and respecting the malversation with which the said Baquir Uli Khan and your petitioner were in such complaint falsely charged; and did give the said Uli Akbar Khan an instruction to receive the rents and profits of the appropriated lands in the meantime, and thereout to pay the stipends of the stipendiaries, under the said deed of appropriation. That while the said Uli Akbar Khan was engaged in this business to which he was improperly appointed by the said Board, the functions of the said Baquir Uli Khan, and your petitioner as such Mutwallees, as aforesaid, were actually suspended and in consequence thereof and

*Confusion in the Ameen's time.

of the improper conduct of the said Uli* Akbar Khan while engaged in such appointed business as aforesaid, the affairs of the Endowment suffered considerably and fell into a temporary state of confusion whereby the collection of the rents and profits of the said lands became impeded and the said rents and profits in many cases could not be realized. That in consequence of the said last mentioned greivous state of things and before any further steps were taken, the said Board of Revenue issued a Purwanah bearing date the 4th of March 1816, directed to the said

Attachment of the Waqf property.

Ukbar Ali Khan ordering him to take and hold possession of the Waqf property which was by such Purwanah declared to be placed under attachment by the said Board and ordering him, the said Uli Ukbar Khan, to collect

Baquir Uli Khan's insanity.

the rents and profits of these lands to the exclusion of the said Baquir Uli Khan and your petitioner.

That in the beginning of the Christian year 1817, the said Baquir Uli Khan became insane and thereby incapacitated from longer acting as such Mutwallee as aforesaid.

That the said Uli Ukbar Khan being so in exclusive possession of the said lands under the orders of the Board of Revenue allowed the revenue that was aforesaid payable to Government from the Waqf

mahals and the lands abovementioned to fall into arrear, and this too while he, the said Uli Akbar Khan, was in the receipt of the rents and profits thereof under such authority from

Government revenue falling in balance.

the Board of Revenue as abovesaid and that

great fears were reasonably entertained that in consequence of the said default of the said Uli Ukbar Khan in not paying the said revenue to Government, the said lands would, accordingly to the custom in like cases, be put up to public sale by the Government Collector to realize out of the proceeds of such sale the amount of the arrears due to Government, but that fortunately this dreaded calamity was averted by the timely interference of the Collector of the Zillah of Jessore aforesaid, in which Zillah the said lands lay, the said Collector having made a report in 1816, to the

Collector's report on the subject.

said Board of Revenue to the purport and effect following, that is to say, that unless

the said Waqf Mehals were taken out of the possession of the said Uli Ukbar Khan and again placed as previously in charge of the duly appointed Mutwallees of the Endowment, the Government revenue would not be paid and that the lands of the Endowment would be inevitably sold, to make good the arrears thereof and that the consequence would be to do away with the Endowment altogether and sink the name of the Endower. On this ground the Collector in his said report strongly urged the said Board of Revenue to put the regular Mutwallees in immediate charge. That the said Board of Revenue entirely concurred in the view taken of the matter by the said Collector and immediately acted upon his advice by directing that the Waqf Mehals should be immediately freed from the aforesaid attachment and put again under the charge of the Mutwallees of the Endowment as theretofore. That in accordance with the above order of the said Board the Collector on the 9th day of July 1816, ordered the attendance of the Mutwallees of the Endowment and issued his Purwanah to release from attachment the said Waqf Mehals and directed the Mutwallees of the Endowment to supersede

Attachment withdrawn and possession restored to the Mutwalee.

the said Uli Ukbar Khan much to his annoyance and disappointment and to resume charge of the said Waqf Mehals and to

continue in the management and conduct of the general business and affairs of the said Endowment.

That thereupon and in pursuance and obedience to the said last mentioned Purwanah your petitioner alone resumed charge of the said lands and business of the Endowment, as such Mutwallee as aforesaid, the said Baquir Uli Khan having become incapacitated as aforesaid, and your petitioner thereby again entered upon the receipts of the rents and profits of the said lands, as such Mutwallee as aforesaid and throughout not only paid off the said arrears but thereafter, from time to time, as the same became due and payable, duly paid the Government revenue payable in respect of the said lands and generally and faithfully acted in the Trust of the said Endowment to the benefit and advantage of Government, and in strict accordance with the intention and directions expressed in the said Deed of appropriation.

That in the month of Kartic in the Bengal year 1223, corresponding with the month of November in the year of Christ 1816, the said appeal of the said Mirza Bundeh Ali continued pending, and in

consequence of your petitioner's father then dying, who had tendered the requisite security for the result of such appeal, the Board of Revenue again attached the said lands and again deputed the said Uli Ukbar Khan to take charge of them.

That thereupon your petitioner duly addressed a petition to the Court of Sudder Dewanny Adawlut in Calcutta, which was submitted to the Judges, for the time being, of that Court, by the Collector with his Rubukaree dated the 5th day of February 1817, praying that the Sudder Board of Revenue might be directed to release the Waqf Mehals from attachment, to remove the said Uli Ukbar Khan who had been deputed, and to receive from your petitioner the requisite security as regards Mirza Bundeh Ali's appeal to Europe.

Mr. H. Harrington, First Judge of the Court of Sudder Dewanny Adawlut in Calcutta, made the following return in his Rubukaree dated the 18th day of August 1817. That the appeal of Mirza Bundeh Uli was totally unconnected with your petitioner's requisition respecting the removal of the attachment and the Ameen, and that your petitioner if he felt himself aggrieved by the measures adopted by the Board of Revenue, was at liberty to institute an original suit against the acts of that authority under the provisions of section 15, Regulation XIX of 1810, as will appear by reference to a copy in translation of the said Rubukaree marked No. 3 hereunto annexed.

That in consequence of the above judicial opinion of Mr. Harrington, on the accuracy of which your petitioner placed implicit reliance, your petitioner immediately took steps to bring the acts of the Board and the alleged improper conduct of your petitioner to the test of judicial investigation by instituting legal proceedings in the Court of ordinary jurisdiction, which Mr. Harrington affirmed, were competent to take cognizance of those matters. In the meantime, however, Mr. Steer, the then Government Collector of the Zillah of Jessore aforesaid, was removed to another appointment, and Mr. Tucker was appointed in his room Collector of Jessore. This change gave the long looked-for opportunity to the above-mentioned Uli Ukbar Khan to further his private and sinister views. In consequence of his former disappointment and consequent hostile feelings towards your petitioner he sought to advance himself at the sacrifice of both the character and prospects in life of your petitioner. The opportunity offered by the confusion created by the change of Revenue-officers in the person of Mr. Tucker, for that of Mr. Steer and the unavoidable ignorance of the new Collector, Mr. Tucker as to all matters and interests, purely local, was greedily seized upon by Uli Ukbar Khan.

Uli Akbar Khan's hostile attempts against the petitioner.

His plan of operation was this, he instigated certain evil-disposed persons, partly his own creatures and partly persons attached to him by promises of future recompense to bring false charges against your petitioner and the said

Baquir Uli Khan as such Mutwallees as aforesaid, and which charges he, the said Uli Ukbar Khan himself, in his official capacity forwarded in the form of a complaint and accompanied by a report purporting to have been made on a due investigation of these charges by his Nayeab

Collector's report.

or Deputy, one Kishon Dyall to the newly appointed Collector who from, no doubt, a well-intentioned but overhasty zeal in the performances of his new duties at once despatched this report accompanied by a letter under his own hand to the Board of Revenue in Calcutta without having made any personal enquiry into the truth or falsehood of the contents of the report. This is the report and this is the letter which figure so prominently and of which so much has been made and said in the decisions of the six learned judges, who have consecutively entertained and seriatim pronounced their judgments on the suit hereinafter mentioned to have been prosecuted by your petitioner in consequence of the above judicial opinion of Mr. Harrington.

That at the time these documents reached the Board, changes had also unfortunately recently taken place in that

Mr. Salmon's appointment in the Board.

body and Mr. Salmon who happened to be the patron of Uli Ukbar Khan, had in consequence of these changes just become one of its members. That gentleman in the name of the Board without instituting any enquiry either personally or by means of any other officer of the Government, but

Petitioner removed and Uli Ukbar Khan appointed.

acting on the above report alone, the work of an interested and corrupt official, ordered the immediate removal of your petitioner and the said Baquir Uli Khan, from their offices of Mutwallees, and further ordered that the very man who virtually made the report, Uli Ukbar Khan should be put in charge of the Endowment. This order was confirmed by a Sunnud or Deed of appointment made out by the direction of Mr. Salmon in the name of the Board and bearing date the 19th day of September in the year of Christ 1818, which was to the purport and effect. That Uli Ukbar Khan was appointed by the Board Mutwallee in the room of the said Baquir Uli Khan and your petitioner, who were therein stated to be the former Mutwallees. In pursuance of this order and the Sunnud thereupon made, the said Baquir Uli Khan and your petitioner were turned out of their offices of Mutwallees, without having been allowed the exercise of the right common to the poorest as well the richest in all countries where justice is administered, namely the right of the accused to have their accusers brought face to face and to have them put to the proof of their charges or to have the opportunity afforded them, the accused, of bringing forward proofs of their innocence. This right was denied to your petitioner, who was declared guilty of corruption without any trial, without any legal proof of his having been corrupt, but upon the unsupported representations of a rural and dishonest and interested subordinate native officer who was at the time of his making these representations intriguing and using every means in his power to supplant your petitioner in the office of Mutwallee. Thus was your petitioner deprived of an office, the duties of which he had ever faithfully

discharged and of a salary upon which alone he depended for the means of subsistence for himself and family, while at the same time a still deeper injury was inflicted on your petitioner by the harsh and unjust order of Mr. Salmon having the effect of disgracing your petitioner in the eyes of his fellow countrymen. Uli Ukbar Khan was accordingly placed in actual charge of the Endowment as sole Mutwallee under the above order and sunnud of his patron; under the above circumstances

your petitioner relying on the judicial opinion expressed by Mr. Harrington as aforesaid did on the 4th day of October, in the year of

Petitioner institutes a regular suit in the Hooghly Court.

Christ 1825, institute a regular suit in the Zillah Court of Hooghly before David Carmichael Smyth, Esq., the Judge of that Court, against the Government, the Board of Revenue, and the Collector of the Zillah of Hooghly complaining of the acts of the Board of Revenue in removing your petitioner from his office of Mutwallee, praying to be reinstated in such office and claiming the sum of sicca Rs 7,197-7-14 as compensation for his loss of income for one whole year, that sum being then about the yearly amount of one-ninth share of the produce of the appropriated lands and which ninth share your petitioner was entitled to as Mutwallee under the original deed of appropriation aforesaid. A copy of your petitioner's petition of plaint in this suit was forwarded by the Judge to the Board of Revenue agreeably to Regulation II of 1814, for the purpose of obtaining the conduct of that body to his entertaining the suit of your petitioner. This consent was only obtained by Mr. D. C. Smyth and the Collector of Hooghly on behalf of himself in his official capacity and in behalf of the Government, and the Board of Revenue took defence to the suit in the usual manner and filed an answer on his own and on their behalf. The defence set up by the defendants was the corruption, incapacity and dishonesty of your petitioner and for proof of which they relied on the abovementioned report of Uli Ukbar Khan and the letter of the Collector accompanying it, which were produced as exhibits in the cause, and the defendants contended through the Government Wakeel that under Regulation XIX of 1810 the Board of Revenue and the Local Agents had complete power to depose a corrupt and dishonest Mutwallee, and that that Regulation does not permit a person so deposed to institute a suit of the nature of your petitioner's, and that it was brought contrary to the intention of that Regulation. Mr. D. C. Smyth, without having before him any proof of the alleged corruption, incapacity or dishonesty of your petitioner, and without calling for a *Putwa* from the Law officer attached to the Court, but in the face of the above cited judicial opinion of Mr. Harrington, a judge of the Sudder Dewanny Adawlut and after entertaining your petitioner's suit for full 11 months at a great sacrifice of time and money the latter of which your petitioner could but ill spare did decide, that the intention of

section 15 of the last mentioned Regulation was not that a person removed by the orders

of the Board on proof of corruption and incompetency should be replaced in the same office by an order of Court and consequently that a complaint against the Ruling "Power is not admissible and cognizable by a Court of Law." Whereupon the suit of your

petitioner was ordered to be dismissed with costs against him. Your Honour in Council will here observe that Mr. D. C. Smyth takes no evidence of the truth or falsehood of the charges brought against your petitioner; but assumes that proof of corruption and incompetency had been taken by the Board, which has been shown not to be the case and that the opinion of Mr. D. C. Smyth, as to the construction of the above Regulation and the jurisdiction of his Court, was altogether erroneous as the collective judicial opinion of the judges of the Courts of Sudder Dewanny in Calcutta and Allahabad, hereinafter mentioned, has satisfactorily decided and established.

From the decision of D. C. Smyth, Esq., your petitioner appealed to C. J. Middleton, Esq., Judge of the Calcutta Provincial Court, which was then in existence and filed a *Futwa* of the learned men of the Government Madrasa which was in favour of your petitioner's right as Mutwallee. This *Futwa* was afterwards submitted by the Court to the Law officers of the Court of Sudder Dewanny Adawlut for their opinion as to its accuracy. The opinion of the Law officers of the Sudder Court was found to agree in all particulars with the

Futwa of the Madrasa Doctors, whereupon Mr. Middleton, without taking any notice of these legal opinions, dismissed your petitioner's suit and decided against him, affirming the decision of the Zillah Court "for the reasons assigned in it." The last judicial resort was the Court of Sudder Dewanny in Calcutta. To this Court your petitioner applied for a special appeal, which was granted under the order of the Honourable Alexander Ross, Esq., then a judge of that Court, upon the ground that the Decisions of the Zillah and Provincial Courts had been passed in opposition to the *Futwa* of the Law Officers above mentioned. In this stage of the business it so happened that two regular suits of one Torab Ally Khan against the said Uli Ukbar Khan and the Government, which had been pending for some time in the Calcutta Provincial Court aforesaid, were disposed of, one being decreed for the plaintiff and the other dismissed. Both these parties appealed against the above decisions to the superior Court, and the proceedings in these suits were at the suggestion of the Government Wakeel, but upon what principle of justice or legal

procedure, your petitioner is at a loss to discover, put up with the file of your petitioner's special appeal. That appeal was tried by Mr. C. R. Barwell, who decided that no guilt of corruption, etc., was made out against your petitioner, and that, "if your petitioner could obtain the order of Government for his being appointed to the Trusts or Towleut, agreeably to the power given by the Touqif, he (your petitioner) as the son of the Mutwallee of the Touquif's appointment against whom no corruption or incapacity appears in the file of this case, has the best title of all others to the Towleut." Nevertheless, your petitioner's suit was dismissed with two other appeals above mentioned. but, agreeably to Regulation XI of 1831, Mr. Barwell added a paragraph in his decision, directing that

Judgment of Mr. C. R. Barwell.

it should be referred to another judge of the same Court, the Court of Sudder Dewanny Adawlut. Against this measure the defendants petitioned, but the Court refused the prayer of their petition and directed the suit to be referred to a second voice. The file was accordingly

Proceedings before T. C. Robertson.

brought up before the Honourable T. C. Robertson, Esq., then a judge of that Court, who, according to his Rubukaree bearing date the 7th day of May 1834. suspended the further hearing of the suit, until he obtained the collective judicial opinion of the judges of Courts of Sudder Dewanny in Calcutta and Allahabad, on the construction to put on Regulation XIX of 1810, above mentioned, namely, whether by section 15 of that Regulation and with reference to the decision of Mr. D. C. Smyth's aforesaid, the Judicial Tribunals of the Country had authority to take cognizance of the suit and to reverse the order of the Board of Revenue. and reinstate your petitioner as Mutwallee.

The judges of the last-mentioned Courts, the Courts of highest authority of all the Honourable Company's Courts of Law, gave in their collective opinion upon a case duly submitted to them by the

Collective opinion of the Judges upon the construction of Regulation XIX of 1810.

learned Judge, Mr. Robertson, in the manner usual in like cases that the Judicial Tribunals had such authority. The precise orders of their opinion your petitioner is unable to set forth which he wished to do, but was prevented by reason of the judges of the Sudder Dewanny Adawlut in Calcutta having refused to grant the prayer of a petition presented by your petitioner to them, and praying for a copy of such opinion, as will appear by reference to translation of the aforesaid petition and the resolution aforesaid of these judges, copies whereof marked No. 4 are hereunto annexed. In consequence and in pursuance of the said last mentioned judicial opinion, Mr. Robertson proceeded to hear your petitioner's appeals. which he decided in favour of your petitioner, and declared his freedom from corruption and his competency and his right to receive one-ninth share of the produce of the appropriated lands. The only point of that decision to which your petitioner offers any objection is the statement, that if there were two

Mr. Robertson's judgment.

Mutwallees, they must disagree, and the consequent decision which Mr. Robertson makes thereon that your petitioner should continue to receive his one-ninth share as Mootwallee which, he admitted, your petitioner was entitled to, but that your petitioner should not act in the Trusts which were to be confided to the sole management of one Mutwallee. Your petitioner humbly solicits your Honour in Council's attention to your petitioner's observation on the last-mentioned decision, bearing date the 25th day of August 1834, which will be found appended to the copy in translation of that decision hereunto annexed.

That according to the practice of the Court, the suit was referred to a third voice and the proceedings were accordingly laid before C. W. Smith, Esq., another Judge of the same Court, the suits of Torab Uli Khan having been already dismissed. Mr. C. W. Smith in giving judgment declared that his opinion

Proceedings before Mr C. W. Smith.

His Judgment.

agreed with that of Mr. C. R. Barwell, and by a decree, bearing date the 29th November 1834, dismissed your petitioner's suit. But although Mr. Smith stated in his judgment that he agreed with Mr. C. R. Barwell, it appeared on the very face of the judgment of the former of these two learned judges, that he differed *into to coelo* from Mr. C. R. Barwell on the most important point in the case and in fact on the only material issue that was raised by the parties to the suit in their pleadings, namely, whether your petitioner was or was not, as alleged, corrupt and incompetent. Your Honour in Council will, no doubt, be as much surprised to learn as was your humble petitioner, that Mr. C. W. Smith decided that your petitioner was corrupt, while

Difference in the respective judgments of Mr. C. R. Barwell and C. W. Smith.

Mr. C. R. Barwell decided, on the same evidence, the report and letter as did the Honourable Mr. Robertson subsequently, that your petitioner was neither corrupt nor incompetent. The disagreement between Mr. C. W. Smith's judgment and that of Mr. C. R. Barwell is as clear as a decided and unqualified negative and affirmative can make them.

Application for review of judgment.

That in consequence and in conformity with the practice and rule of the Honourable Company's Courts, your petitioner duly applied to Mr. C. W. Smith to refer the suit to a fourth voice; this he refused contrary to the established practice as will appear by his Rubukaree, bearing date the 10th day of January 1835. Upon this your petitioner applied to Mr. C. R. Barwell for a review of judgment, Mr. C. W. Smith having in the mean time left the Court and joined the Board of Revenue. Mr. Barwell considered your petitioner's objections to Mr. Smith's decision, a sufficient ground for his ordering by his Rubukaree, dated the 31st December 1835, that the petition for the review of judgment should be laid before the English sitting

Referred to the English sitting.

of the Courts, that it might be determined upon by a full bench. To the English sitting it was, therefore, referred and thereupon the Honourable Mr. T. C. Robertson and the late Mr. N. J. Halhed, then another judge of the same Court, recorded their opinion of the merits of the case in their Rubukaree, bearing date the 5th day of July 1836, as follows—that is to say that they had

Joint Rubukaree of Messrs. Halhed and Robertson declaring petitioner entitled to a fourth voice.

deliberately considered the respective Rubukarees of Mr. C. R. Barwell and Mr. C. W. Smith, dated the 22nd August 1833, and 29th November 1834, respectively. That Mr. Barwell

and Mr. Smith were agreed in the matter of the dismissal of the suit but differed materially as to the right of Towleut and the corruption of the appellant, that Mr. Barwell had stated that the appellant had a right to the Towleut and of all others was the best entitled to be appointed Mutwallah, and that the charge of corruption against him was wholly without proof or foundation. But that Mr. Smith was of opinion that the appellant was wholly unworthy of the Towleut, as corruption had been proved against him. That the paragraph in Mr. C. R. Barwell's decree, setting forth that your petitioner had a right

to the Towleut and that no corruption had been proved against him, was in addition to the finding and decision of the Calcutta Provincial Court, from which your petitioner appealed, and that such additional finding and decision of Mr. C. R. Barwell was the sole cause of the suit having been referred for a second voice, namely, to that of the Hon'ble Mr. Robertson, that a want of agreement then prevailed in the respective opinions of Mr. C. R. Barwell and Mr. C. W. Smith, and that in consequence of this disagreement between the opinions of these two judges the question at issue was still left undecided; further that from Mr. C. R. Barwell's Rubukaree it was evident that the two Lower Courts had not considered the tenor of the Waqfnama, wherein the Endower had empowered the Mutwalloes to appoint others in their stead as they thought expedient, and that for the above reasons Messrs. Robertson and Halhed recorded their joint opinion that the case seriously called for a fourth voice before it could be disposed of, as by reference to their Rubukaree hereunto appended will fully and truly appear.

That for a fourth voice the file was accordingly laid before W. Money, Esq., then another judge of the Court of Sudder Dewanny Adawlut. This judge having been a member of the Board of Revenue, the body against whose act your petitioner complained and sought redress and was consequently one of the defendants in the original suit and at the same time the suit came before him as a judge, was one of the respondents in the appeal. In consequence of the two characters of judge and party meeting in the person of Mr. Money, your petitioner objected by a petition, bearing date the 12th day of September 1836, to his hearing and deciding such appeal, and prayed that the same might be referred to another judge, one less likely to be prejudiced, and not from his previous situation, likely to have made up his mind on the case or likely to be influenced by a desire to defend the acts of a body of which he himself constituted a part, or to uphold an opinion previously expressed or at least acted upon. This objection was, however, improperly, as your petitioner humbly submits, over-ruled by the Court at the English sitting thereof.

That Mr. Money, therefore, proceeded to hear the appeal, and not much to the surprise of your petitioner, under the above circumstances, directed the dismissal of the suit in his judgment dated 22nd September 1836, in which he recorded his opinion fully in agreement with that of Mr. C. R. Barwell, as will appear by reference to his said judgment, a copy whereof is hereunto annexed. Mr. Money in his judgment, however, neglected to consider the power given by the Touqfnamah to each of the Mutwalloes to appoint such other as he pleased in his place, and apparently overlooked the circumstances, that since Mr. Barwell's decision, the features of the case had assumed a very different aspect in consequence of the collective judicial opinion of the Judges of the Calcutta and Allahabad Courts of Sudder Dewanny

above mentioned, as to the construction to be given to Regulation XIX of 1810, whereby the authority of the Judicial Tribunals to take cognizance of the suit and to give redress to your petitioner were established. Mr. Money's judgment, however, in agreeing with Barwell, was so far correct, that it altogether exonerated your petitioner from the charge of corruption and acknowledged his right to the Towleut, and as respects the finding on such two points your petitioner submits that the propriety or impropriety of the act of the Board in removing your petitioner from the Mutwalleeship ought to have been decided in conformity with such finding. The impropriety of the act was the natural conclusion to be drawn from the declaration that the ground upon which it was attempted to be justified was untenable, and, if improper, your petitioner ought to have been reinstated in the office by the Court, which decreed his right in the exercise of those remedial powers which that Court must be presumed to have in common with every other independent Court of Law, as far as respects the matter, of which by its constitution it has judicial cognizance or over which it has jurisdiction.

That while your petitioner was proceeding with his suit through the different courts of judicatures, the above-mentioned Uli Ukbar Khan, the person, who, by his contrivances and falsehoods, was the immediate cause of your petitioner's removal
Removal of Uli Ukbar Khan. from the office of Mutwallah was himself removed from the office to which he was appointed, in the room of your petitioner, by the order of the Board of Revenue for abusing his Trust and appropriating the Funds belonging thereto to his own use. This is the individual whose report, made upon a charge got up by himself to advance his own interests, Mr. C. W. Smith considered sufficient proof of your petitioner's corruption and incompetency and dishonesty. Mr. C. W. Smith and Mr. Middleton are the only judges who ventured so far as to declare that they considered such documents as the report and its accompanying letter written by the Collector under the circumstance aforementioned as legal proof of the corruption, incompetency and dishonesty of your petitioner.

How then stands the case of your petitioner after a lengthened examination of 12 years, and having been regularly investigated and decided upon in succession by six judges of the Hon'ble Company's Courts, namely, by Mr. D. C. Smyth, Mr. C. J. Middleton, Mr. C. R. Barwell, Mr. T. C. Robertson, Mr. C. W. Smith and Mr. W. Money, not to mention again the abovementioned decision of Mr. Harrington which forced your petitioner to commence and prosecute this suit or the several subsequent collateral subsidiary issues, investigations and decisions by the Hon'ble Mr. A. Ross, Mr. C. R. Barwell, Messrs. Robertson and Hallhed and the judges of the Sudder Dewanny Adawlut in Calcutta and Allahabad. All the judges but Mr. Middleton and Mr. C. W. Smith decided that your petitioner was neither corrupt nor incompetent, with the exception of Mr. D. C. Smyth, who did not go into the investigation of the charge of corruption deciding erroneously, as now appears by the judicial opinion of the judges of the Court of Sudder

Dewanny at Calcutta and Allahabad, that he had no jurisdiction under the construction which he erroneously gave to Regulation XIX of 1810. With respect to his decision, therefore, it may be put aside altogether. The majority of the remaining judges, namely, three out of five who entered into the investigation of the proof adduced in support of the charge of corruption and incompetency urged by the defendants, decided against such proof and negatived such charge of corruption and incompetency. These judges were Mr. C. R. Barwell, the Hon'ble T. C. Robertson, and Mr. W. Money. All of these judges at the same time decided in favour of your petitioner's right to the office of Mutwallee, but of these Mr. C. R. Barwell and Mr. W. Money merely recommended an application to be made to Government on the part of your petitioner for an order to reinstate him in such office, for which his fitness and to which his title were declared by them, but under the erroneous impression, as your petitioner submits, that they sitting as judges in a Court of Law had no power themselves to make such orders. While the Hon'ble Mr. Robertson decreed payment of one-ninth share of the past and future accruing produce of the appropriated lands to be paid to your petitioner as Mutwallee, but refrained from making the order of his resuming the functions of Mutwallee and acting as such in the Trusts of the Endowment on the sole ground, as stated in his judgment, that he considered two Mutwallees or Trustees could not agree or act conjointly. The first two judges decided contrary to the judicial opinion of the two Courts of Sudder Dewanny, Mr. Barwell, previous to the date of that opinion and therefore in ignorance of it. Mr. Money, subsequent, but without noticing it, and therefore as your petitioner presumes in ignorance or forgetfulness of it. The third judge, the Hon'ble Mr. Robertson, admitting the right of your petitioner and his fitness lays down and decides upon an assumed general principle which your petitioner submits is neither applicable to human nature, generally, as experience proves or to your petitioner to wit the unavoidable disagreement of two persons who are required to act in the same matters conjointly. Besides, the deed of appropriation appoints to act as joint Mutwallees and requires them to be aiding and assisting each other in the execution of the Trust.

That in making these remarks your petitioner is very far from ascribing to any of the highly respected and learned judges, who have decided in favour of your petitioner's fitness and legal title but have stopped short of reinstating your petitioner in his office of Mutwallee, any undue difference to the defendants, the Government; at the same time your petitioner is well assured that it is far from the desire of the Government which he knows aims at being considered enlightened, wise, and paternal in its rule, that its judicial officers should mete out one measure of justice where the Government itself happens to be a party to the suit and another where the suit is between private individuals only.

That, in pursuance of the recommendation of the judges above referred to, your petitioner on the 4th day of October 1836, duly presented for the consideration of the Government of Bengal through

the hands of Mr. Mangles, he is then Secretary, a memorial accompanied by all the documents relating to your petitioner's case, praying to be reinstated as Mutwallie of the Endowment. These were returned to your petitioner without any order having been passed on them, and, without any reason having been assigned or explanation given why they were so returned. Your petitioner humbly submits that the poorest subject of the Government, who has a cause of grievance and seeks redress in respectful terms and in the prescribed way, does not expect too much when he expects that his cause of grievance will be investigated, redress given, or a reason assigned for its having been withheld. Your petitioner not having received any answer to the prayer of his memorial, presented to Mr. Mangles in his official capacity as above mentioned, is unable to ascertain and, therefore, is unable to state whether your poor petitioner's memorial was ever submitted to the Governor of Bengal.

That your petitioner is, therefore, compelled to trouble your Honour in Council with a statement of his grievances and to seek and expect from your Honour's sense of justice that redress which he has hitherto been denied, although sought after in the prescribed and approved channels, through which justice ought to flow equally to all, both poor and rich, the Judicial Tribunals of the country established by Government. Your petitioner is wearied both in body and mind, harassed, oppressed and impoverished, dragged through a succession of numerous judicatories at a great sacrifice of time and at great expense. The latter, your petitioner could not have borne, had he not been supported by the money as well as the advice and encouragement of many of his countrymen, who profess the same faith and who feel in considering your poor petitioner's wrongs that they and the Endowment, the interest of which they, as well as your petitioner have at heart, as well as the general interests of the religion which they in common profess and which the religious Endower desired to honour and promote by the liberal gift of the greater part of his property, have suffered in the person and sufferings of your petitioner.

That the appointment of your petitioner by the deed was a due exercise of a legal power given by Muhammadan Law is ascertained beyond dispute, by reference to the Futwas of the Law officers of the Sudder Dewanny Adawlut, as well as those filed by your petitioner or those filed by the Government in this case and annexed by way of Appendix to the observations on the decision of C. J. Middleton, Esq., hereto appended. From these Futwas it also appears that the deed or appropriation is in the nature of testamentary Trust or Towlout-my-ool Toasecut, making the Trustees of the Endower, and that if an endower be dead, as in the present case, his Trustee and Executor may without the permission or knowledge of the ruling power, make over the Trust to another, and such other becomes thereby to all intents and purposes Mootwallie, that it is necessary to follow and observe the intention of the Toaquif as much as the command of the Law-giver or the Prophet, that if one of two Mutwallies or Trustees should find himself, as was the case with your petitioner's father, unable to conduct the business of the Trust, he himself independently

of his co-mutwallee or co-trustee, could appoint anyone whom he might deem most fit and deserving his successor as such Mutwallee if the Toaquif has made such a provision; that the Quazee cannot remove the Mutwallee or Trustees merely upon accusation of the defendants, but upon proof only of corruption and that it belongs only to the judge of a judicial Court to remove the Mutwallee, and that only upon proof of his having acted corruptly in the Trust.

That these points of Law applicable to the present case, being extracted from the Futwas either written or approved, when written by the regularly appointed Law Officers of Government both of the Sudder Dewanny Adawlut and the Madrasa must be admitted as conclusive, as to the legality of your petitioner's appointment to the office of Mutwallee, and his right to hold that appointment until such legal proof of his unfitness or corruption shall be adduced as shall satisfy a judge of judicial Court. In your petitioner's case he was removed by the arbitrary and summary power exercised by the Board of Revenue, whose duties, as respects Endowments, are only ministerial, and not by a Judge of a Judicial Court and without a shadow of proof of his alleged corruption.

Nay, further, the case does not rest here, the falsehood of the principal charge brought against your petitioner and the other Mutwallee, has been judicially investigated in another suit and proved. The charge was that your petitioner and the other Mutwallees fraudulently held part of the lands of the Endowment in fictitious names. Acting on such false and malicious charge Uli Ukbar Khan, on his being appointed Mutwallee by the Board of Revenue as afore-said, actually ousted Torab Uli Khan by force and violence from such part of the lands as was alleged to be held by him in his name, Benamee for your petitioner and the other Mutwallee. Torab Uli Khan upon this brought his action in the Provincial Court against Uli Ukbar Khan, and the Collector of Jessore, to recover possession of the lands from which he had been so forcibly and illegally ejected in that suit, not a scintilla of proof was adduced to establish the charge of fraud and corruption against your petitioner and his co-Trustee or to establish the alleged Benamee holding, but on the contrary it was proved that charge was false and that such lands formed no part of the Endowment, but had been actually sold by the Endower himself to Torab Uli Khan. A decree was passed accordingly in favour

Mr. Braddon's letter.

of Torab Uli Khan, of which particulars will appear in and by a letter of Mr. Braddon, then Commissioner of the district of Burdwan, addressed to the Board of Revenue, and bearing date the 10th day of November 1832, a copy whereof marked No. 5 is hereunto appended. Your petitioner at the same time craves the attention of your Honour in Council to the

Mr. Pattle's minute.

able Minute of James Pattle, Esq., the Senior Member of the Board of Revenue, on the lastmentioned letter, in which minute, after a careful and patient investigation of your petitioner's claims and the several decisions previously made thereon and above mentioned, Mr. Pattle recommends to Government the just and also, as he thinks, politic measure of

compounding the suit with your petitioner and of reappointing your petitioner Joint-Mutwallee to the Hooghly Imambarah, if on such reappointment your petitioner would file a Razenamah and withdraw his afore-said appeal as will appear by reference to the said minute, a copy whereof marked No. 6, is hereunto also appended. On this minute your petitioner has but one observation to make, which is this. If your petitioner has a right to be reinstated and ought to be reinstated by Government as therein urged to be but just and politic, your petitioner submits that it follows as a consequence that your petitioner is entitled to have paid to him the arrears of salary, or share which under the deed of appropriation is apportioned to each of the Mutwallees, with interest thereon, as decreed to your petitioner by the Hon'ble Mr. T. C. Robertson, and which arrears have accumulated by reason of your petitioner's unjust and illegal expulsion and continued exclusion from the office of Mutwallee, to which he was duly appointed by a solemn deed of appointment executed in pursuance of a power and authority for that purpose given by the original Endower.

That the facts of your petitioner's unfortunate case and the law applicable to it and the contradictory decisions of the Courts of Law which operate as a denial of justice, together with your petitioner's observations or comments upon these decisions to which your petitioner craves attentive consideration, are now before your Honour in Council. And there he leaves his case in full assurance that his claim will receive an attentive and patient consideration, and that your Honour in Council will redress his grievances and establish his rights, knowing that it is your Honour's constant aim and desire ever to keep judgment and relieve the oppressed.

Your petitioner, therefore, humbly prays that the necessary order may be issued to the Board of Revenue to reinstate your petitioner in the office of the Mutwallee, in the Imambarah at Hooghlee, and to order and direct that one-ninth share of the annual produce of the Endowment with interest be paid to your petitioner from the date of his being removed from that office up to the present date.

And your petitioner shall ever pray for the continuance and prosperity of the British Government in India. May the Sun and Power of Glory shine resplendant.

(Sd.) WASIQ ULI KHAN,
Mutwallee of the Hooghly Imambarah.

HOOGHLY,
23rd November, 1838.

To

The Sudder Board of Revenue.

GENTLEMEN,

I have the honour to transmit to you the accounts of the Syadpore Trust Estate, etc., as per margin shewing the receipts and disbursements on account of the several shares.

Abstracts of receipts and disbursements of 1837.
 Ditto ditto for 1838.
 Ditto ditto for 1839.
 General abstract of receipts and disbursements from 30th March 1836 to 30th April 1839.
 1 cash account for April 1839.
 1 statement of lapsed pensions.
 1 abstract of receipts and disbursements of the 3rd share from 3rd January 1837 to 30th April 1839.
 1 account of the 3rd share from 22nd June 1836 to 30th April 1839.
 1 memorandum of deposits up to 30th April 1839.

2nd. I beg to remark that up to the date of the Board's letter No. 205 of the 15th May 1838, with its enclosure, from

Mr. Secretary Halliday the 3rd share, which should have been entirely appropriated for the religious purposes of the Institution, was burthened with several items of expenditure, and that to a considerable amount, which should have been met by the funds of the 3rd share and the Kharija Towleut Estates.

3rd. In putting this irregularity, therefore, to right, there has been an addition to the expenses of the 3rd share, and from this, there will hardly be a surplus available for the purposes of the Hooghly College.

4th. I also consider, under the terms of the Towleutnamah, the division of the shares is not as yet properly made. The wording of that deed states that the proceeds of the Estates, after defraying the Government Revenue, shall be divided into 9 shares, of which 2 are to be made over to the Mutwallis as their remuneration, three to be devoted solely for religious purposes, and from the rest the expenses of managing the property, realizing the rents, the payment of establishment of the Imambarah, pensions, etc., should be met. This, however, is not strictly adhered to; for the Collector of Jessore first deducts the expense of establishment for the management of the Estate from the surplus proceeds, and remits the balance to the Hooghly Collectorate, whereas he should remit the whole of the surplus to the Local Agents and receive back from them, out of the 3rd share, the amount of the salaries of the officers employed. By the present system there is a considerable loss occasioned to the 3rd and 3rd shares.

5th. The Mutwalli, when I was lately at Hooghly, made several representations to me respecting the management of the Imambarah, etc., to which I shall call the attention of the Local Agents, and hereafter communicate my sentiments to the Board at present; I wish to call their attention to the fact that on the pension list there are no less than 8

relations of Rajab Allee Khan, and 11 of Shakir Allee Khan, the two former Mutwallis, and that there are nine persons receiving stipends to the amount of Rs. 1,00,211 (?) annually who never come near to the Imambarah to perform any services or ceremonies there, but reside at Bareilly, Murshidabad and Calcutta and receive their pensions through their Agents.

6th. The Board are, of course, aware that no authenticated separate list of pensions to be paid from the 1/4th share was ever produced. The one on which the claims to pensions are mostly founded was declared a forgery by the Civil Court in 1822, and that decision was upheld by the Court of Appeal and the Sudder Dewany Adawlut. Besides this, the founder created the Waqf in 1213 and died in 1219. and between that interval no account of payments as per separate list can be traced in his books.

7th. I think that under the circumstances of no authentic separate list having ever been produced, and the number of relations of the two first Mutwallis, who now receive stipends from the Institution, it would be right to institute a strict enquiry, through the Mutwalli, into the claims of all the parties, and I am confident that such a step would enable us to discover much imposition in this item alone.

8th. The Mutwalli represented to me that he experienced considerable inconvenience from not having any control over the servants of the establishment (not being those employed in the management of the Estate), paid from the 1/4th share, many of them in consequence evincing neglect of his orders and others being incapable of performing the duties for which they were entertained. I am of opinion that this should be immediately remedied, and the Mutwalli—as the Head Executive Officer of the Imambarah, should be able to dismiss the servants for neglect and incapacity, reporting the same to the Local Agents. It seems extraordinary to place a man like Keramat Allee in the situation of Mutwalli and deny him the control necessary for the performance of the duties of that office.

9th. With reference to the salary of the Mutwalli, I beg to remark that the difficulty of finally adjusting the amount to be paid to him from the date of his appointment arises from the Acting Mutwalli having overdrawn from the funds of the Estate what would have been his average of the 1/4th share during the period he officiated. This excess is to be charged in a contingent bill and paid to Keramat Allee, but the Local Agents and myself are quite at a loss to know from what fund this contingent charge is to be made, and until that is settled, it is impossible for us to adjust finally the claims of the present Mutwalli. I request that we may be favoured with instructions on this subject.

10th. In conclusion, I have only to add that I lately inspected the whole of the buildings and ground occupied by the Imambarah, and I have no hesitation in declaring the former to be in a state perfectly disgraceful. The Postahs on the river face have been left unfinished and insecure from want of funds. Many of the buildings

are in a state of total ruin, dangerous even to passers-by, and from an inspection of the place no one would be led to suppose that the Institution was under the protection and the funds at the disposal of the British authorities.

I have, etc..

(Sd.) W. DAMPIER,
Commissioner.

Jessore, Commissioner's Office,
18th Division at Alipore ;
The 10th June, 1839.

No. 168.

To

The Commissioner of Jessore.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 190, dated the 10th ultimo, on the subject of the Hooghly Inambarah.

2nd. The Board request that you will explain in *detail* what items burthened the §ths share, which should have been charged to the §ths share, as mentioned in your second paragraph.

3rd. Also what sums, on account of what items, and on what dates, were transferred from the §ths to the §ths influencing as you state in your 3rd paragraph, the surplus available for the purposes of the Hooghly College.

I have, etc.,

(Sd.) E. CURRIE,

Secretary.

The 2nd July 1839.

No. 10.

To

The Sudder Board of Revenue, Fort William.

GENTLEMEN,

I have the honour to acknowledge the receipt of your letter No. 168 of the 2nd instant regarding the sums charged from the 3th to the 4th shares of the Wuqf property. Immediately on the receipt of the Board's orders No. 205 of the 15th May 1838, giving cover to the Government orders No. 712 of the 17th April of the same year, the Local Agents were instructed that the 3th share was solely to be devoted to religious purposes and no charges other than those to be admitted on it. The Local Agents made further references which were reported to your Board on the 25th July and 3rd August, Nos. 378 and 403, and instructions were finally issued on these on the 7th and 21st August, Nos. 404 and 427.

2nd. I beg to refer the Board to the enclosures of my letter of the 3rd August showing the items charged against the 3th share improperly, and also to the minute of Mr. Tucker so strongly referred to by the Deputy Governor of Bengal in the 6th paragraph of Mr. Secretary Halliday's letter of the 17th April above referred to.

3rd. I have in accordance with the Board's present orders requested the Local Agents to furnish me with a statement showing the exact sums of each item thus erroneously charged against the 3th share, and I must also add that in the apportioning the expenses of management the 3th and 4th (or the shares of the Mütwalli) are wrongfully charged with a part which should not be the case under the Towloutnamah. I am about to remedy this.

I have the honour to be,

GENTLEMEN,

Your most obedient servant.

(Sd.) ILLEGIBLE,

Commissioner.

Jessore, Commissioner's Office,

18th Division at Burdwan ;

The 9th July 1839.

No. 188.

To

The Commissioner of Jessore.

SIR,

In reply to your letter No. 10, dated the 9th instant, I am directed by the Sudder Board of Revenue to inform you that they await your further communication, which, they trust, will be full and circumstantial and will contain your opinions at large.

I have, etc.,
(Sd.) E. CURRIE,
Secretary.

The 17th July 1839.

Sudder Board of Revenue,
The 17th July 1839.

Secretary to Government of Bengal,

Revenue Department.

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter of the 5th February, No. 196, with its enclosures, calling for a report on the removal of Wasiq Ulli Khan from the Mutwalleeship of the Hooghly Imambarah.

The grounds of that removal were reported by the late Board in their letter, under date the 16th July 1819, but as more detailed information appears to be required, the Board have had prepared an abstract of all the correspondence and records connected with the removal of the former Mutwallees and the appointment of Ullee Ukbar Khan, which with the original documents is submitted herewith.

It is not necessary for the Board to advert to the judicial proceedings which ensued. The abstract of the correspondence of 1832-33 connected with the defence of the case in the Sudder Dewany Adawlut with the original letters and Minutes of the Members is also furnished.

The Board trust that the necessity which the Government requisition involved of referring to and making selections from a very voluminous correspondence together with the constant pressure of urgent business, will furnish a sufficient explanation of the delay which has unavoidably, occurred in the submission of this report.

(Sd.) ILLEGIBLE.

The original enclosures of your letter are returned.

Précis of the correspondence relating to the Hooghly Imambarah connected with the dismissal of the late Mutwallee, Wasiq Allee Khan.

About the commencement of 1815, some relations of Bundah Ally, who claimed the Waqf property, sent a petition to the Board in which they complained that the funds appropriated to the Imambarah were squandered away by the Mutwallis, Rajub Ally and Shakir Ally contrary to the provisions of the Towleutnamah, that Rajub Ally from age and infirmities, was unable to transact business of any kind and that Bakir Ally was a worthless fellow who squandered money in debauchery. The Board called upon the Collector to make enquiries regarding the allegation of the petitioners and report the result. The

31st March 1815.
15th July 1815.

Collector, in complying with the Board's requisition, submitted a report from Local Agents, in which it is observed that there did not appear to be much doubt of the truth of the allegations, but as the

Mutawallees had refused to produce any amount, the Local Agents were unable to ascertain the value of the property or what portion of it had been expended according to the Towleutnamah and intention of the appropriator.

The Local Agents remarked further that Bakir Ally had no right to the office of Mutwallee which by Mussalman Law is not hereditary, and with regard to Rajub Ally they left it to the Board to determine whether with reference to his acknowledged incapacity for business and to the fact that the property had been nearly ruined, he was not disqualified for the office also. The Local Agents also at the same time reported that Rajub Ally was said to have appointed his son Wasik Ally to be his deputy and successor.

The Board, in laying the report of the Local Agents before
 4th August 1815. Government, stated the arrangements they would propose for the better management of the Institution in future and the due appropriation of the funds to the purposes for which they were intended.

That the Mutwallees Rajub Ally and Bakir Ally were unfit persons for the charge, was, the Board thought sufficiently manifest; but as one had been appointed by the founder, and the other was the son of the late incumbent, they would not interfere with their functions. They proposed, however, that a duly qualified person should be appointed as Aumcen or Inspector for the following purposes:—

- (1) To keep accounts of all receipts and disbursements.
- (2) To form in concert with the Mutwallees estimates of the expenses requisite for the performance of the ceremonies.
- (3) To control the expenditure generally.
- (4) To see that the buildings are kept in proper repair, and, lastly, to submit accounts to the Local Agents whenever they might call for them.

This measure was sanctioned by Government. On the 10th of
 6th September 1815. the following month the Board reported to Government that they had selected Ukbar Ally Khan for the situation of Aumcen, and proposed that he should be allowed a personal salary of Rs. 200 per mensem and Rs. 100 for an Establishment.

This appointment received the sanction of Government, and was
 24th November 1815. duly notified to the Local Agents, who were instructed to vest Ukbar Ally Khan with
 10th November 1815, No. 24. the charge to which he had been appointed.

On the date noted on the margin the Hooghly Local Agents presented a Durkhast from Ukbar Ally Khan, from
 15th January 1816. which it appeared that the Sunnud given him did not convey sufficient authority for interfering in the management of the funds of the Endowment, and they suggested that a fresh sunnud should be granted him, vesting him with the exclusive control subject to their intervention and authority.

Doubtful how far they were vested with any control over any of the funds of the Institution arising from lands situated out of the Hooghly District, the Hooghly Local Agents requested that orders on the subject of them should be sent to the Jessore Local Agents.

The latter were accordingly written to and informed that it was intended that the formation of the mofassil settlement of Purganah Syedpur and the other Mehals assigned, the collection of Revenues and the performance of the executive duties should rest with the Mutwallees ; but experience had shewn that no proper appropriation of the funds would be extracted under that system.

The Local Agents at Jessore were also informed that the Board had, under the above circumstances, considered it expedient to direct Ukbar Ullly Khan to proceed to the Head Cutchery of Purganah Syedpur for the purpose of forming the settlement and generally to superintend the affairs of the Estate, and they were desired to signify to all farmers and ryots concerned that no settlement would be considered valid that was not in some shape authenticated by Ukbar Ally, and that credit would not be given for any payments of revenue not made in the public cutchery.

The Collector of Jessore forwarded a Darkhast from Akbar Ally Khan in which he represented that the estate ought to be generally measured, as by no other means would the true and actual resources of it be ascertained.

The Board, in acknowledging the above letter, acquainted the Collector that as the Estate was considerably in arrear, difficulties might arise in carrying into effect the managements ordered in their letter of 5th March in the more detailed, therein they considered it expedient that the Estate should be placed under sequestration, and they accordingly directed that he would depute persons to take charge of it and adopt the necessary measures for realizing the arrears due.

The Collector submitted list of the amlahs employed in the Estate to superintend and make the collections.

The Board saw no objection to the establishment, but they considered it indispensable, that such of the native officers as were employed in the time of the late Hajee Mohamed, should be continued, not only on account of the superior knowledge they possessed of the resources of the Estate, but on the ground of economy, as otherwise a double expense would be incurred.

The Collector in reply observed that the selection of native officers should, of course still desired, be made from those who were employed during the life of the late Hajee, though he thought the Board would have concurred in opinion with him that the old employees had by their faithless and improper conduct forfeited all right to a continuance in their offices, and that, to secure the full realization of the resources of the Estate, it

would, for the future, be expedient to nominate persons wholly independent and unconnected with it. By discharging those officers who had so improperly behaved themselves and nominating others previously unconnected with it, the Estate would not be subjected to any additional expense, as the former, not being Moshaharedars, and when not employed as officers on the duties of collection, could prefer no just claim to any further remuneration, and a sufficient number of them who had not been considered so culpable could be retained to afford all the assistance requisite for ascertaining the accurate resources of the Estate. Indeed, in the Collector's opinion, without an adherence to this plan, he would be unable to make the mofassil settlement for the year in any way satisfactory to the Board.

The Board replied that the object of interference on their part in the administration of the affairs of the Estate was to ensure the appropriation of the profits to the proper purposes, and that, if that object would be obtained through the medium of the Mutwallis, the Board would have no objection to surrendering the Estate again to them provided they would agree to the following stipulations:—

- (1) To liquidate the balance of the previous year with interest.
- (2) To commit the Treasury to a person appointed by the Collector,
- (3) To submit to the Collector a statement of the mofassil settlement.
- (4) To entertain only such establishment, for the collection of the revenue and the management of the affairs of the Estate as should be approved by the Collector.

If the Mutwallees agreed to the foregoing stipulations, the Collector was authorized to surrender the Estate to them—but if they declined, he was directed to retain charge and proceed to form the mufassil settlement, entertaining and employing for the general conduct of the business of the Estate, such persons as he might think proper.

In obedience to the above directions the Collector reported that he had surrendered the Estate to the Mutwallis, who had agreed to the stipulations proposed by the Board. The Mutwallees having declared their entire inability to discharge, by an immediate payment, the arrear due to Government, the Collector received from them an engagement to pay the amount with interest in six months.

The Collector's proceedings were approved by the Board. Matters proceeded quietly till 7th September 1816 when the Collector reported that a man by name Mohammad Ashin had clandestinely gained admission into the catchery of the Mutwallees. This man was said to be of notoriously bad character and, by advancing money to Bakir Ally (one of the Mutwallees), he appeared to have gained so much ascendancy over him, that he had the entire conduct of the Estate to the very great detriment of it. The Collector experienced great difficulty in procuring

any documents from the cutochery of the Mutwallees, and he had reason to believe that his amlahs threw every impediment in his way.

The Board intimated in reply that Mohamed Ahsin not being a Government officer, no course of procedure would be adopted towards him; but if any of his—the Collector's—amlah was guilty of corrupt acts, the Regulation would point out the manner in which he should proceed.

The Collector subsequently reported that the Mutwallees had been contumacious in the extreme towards him and had treated his authority with contempt refusing to send him, when he called for them, the J. W. B. Accounts. He expressed his opinion that the incumbents were totally unfit to be entrusted with the management of the Estate, as Rajub Ali's extreme age totally incapacitated him from taking any part in the management and as Bakir Ally was young man of most debauched habits.

The Collector communicated that Rajub Ally Khan had died and that Bakir Ally had informed him in an arzee that the deceased previous to his death had appointed his son Wasiq Ally Khan as his successor.

The Estate continued to fall into arrears, and many complaints were made against the Mutwallees by the Collector for inattention to his requisitions, and the Board, considering it necessary to adopt some measures without delay to secure the dues of Government as well as to prevent the further abuses of the Mutwallis in the execution of their trust, directed the Collector to put the Estate under immediate attachment, and to invest Akbar Ally Khan (the former Ameen) with the charge of the entire collections as Seazual till their further orders. The Collector complied with the Board's orders and sent in a copy of his proceedings which were approved of.

Collector forwarded an urzee from Akbar Ally Khan in which he notices some acts of collusion and mismanagement on the part of the Mootwallis and recommends that as Rajub Ally was dead and Bakir Ally had not been confirmed, the $\frac{2}{3}$ ths share of the property appropriated to the Mutwallis should be attached until certain misappropriations to which he refers had been enquired into.

Before giving their sanction to the measure proposed by the Sezwal, the Board expressed themselves desirous of obtaining from Collector through Akbar Ally Khan information of the computed amount of the supposed embezzlements of the remaining portion devised by the Towleutnamah for the Emambarah and for the support of servants, pensioners, etc., and the nature of the proof that it might be requisite to exhibit to the courts in the event of an action being brought against the Mutwallis for the recovery of the same.

The Board were inclined to think the case perfectly actionable in Law, and they preferred the adoption of that mode leaving it to the

Court either to take sufficient security or to direct the attachment of the shares of the Mutwalli in lieu thereof to proceeding to that extremity in the first instance without a suit.

The Collector furnished the information required by the Board, reporting at length on the several points on which the Board had directed him to institute enquiries and submitting statements prepared by Allee Akbar Khan and Lalla Kishen Dyal illustrative of the alleged malversation of the Mutwallies. These consisted of the grant of farms to amlah of the establishment and of the Collector and Judge's offices,—in the misappropriation of funds, in the grant of Burats in anticipation of the revenues of the Estate, and in holding Talooks in the petitioners' names at inadequate jummas.

The Board passed orders in detail on the several matters embraced in this report and directed the institution of suits against the Mutwallies in the Provincial Court of Appeal for the recovery of funds misappropriated.

They requested the Collector to prepare and transmit to them a form of the bill of plaint in each case and a separate abstract in English of the grounds of action and method of proof after having obtained full information on the several points from Akbar Ally Khan.

On this date Collector reported that circumstances had come to light which compelled him to solicit the Board to sanction a thorough measurement of the whole Estate as the only means left to ascertain its actual resources and to detect the numerous and large alienations which had been made of them. The Board authorized the measurement.

Collector reported on the expense of the proposed measurement urging its necessity in consequence of the mismanagement of the Estate under the Mutwallis.

Previously to passing the Ameen's accounts the Board sent the Local Agents a statement purporting to be a copy of a sooruthaul with a request that the Local Agents would report their opinion as to the credibility of it and of the persons attesting the original, and generally whether they had reason to suppose that any grievances or malpractices existed in the administration of the endowment by the Ameen.

Local Agents submitted that it would be necessary for them to examine the original papers before they could come to any decided opinion about the credibility of the sooruthaul, but adverting to the unblemished character and reputation of the Ameen, Akbar Ally Khan, they were inclined to suspect the truth of the allegations it contained; with regard to grievances and malpractices the Local Agents remarked that those that did exist had been remedied by the appointment of the Ameen. They further suggested that as the Ameen was on leave of absence, any

enquiry into the affair should be deferred until that person resumed his functions. The Board approved the suggestion.

31st March 1818.

The Collector having reported the completion of the measurement and solicited the aid of an assistant to enable him to make the assessment, the Board informed Government of what had been done, stating that the great frauds which, there was reason to believe, the late Mutwallees had committed in regard to the Estate, had induced them to sanction a measurement of the lands.

14th July 1818.

In answer to this report Government intimated that they did not wish that the Estate should remain under charge of the Collector; and they suggested that as the Endowment appeared to be without a Mutwallee, Ally Akbar Khan should be appointed, to whom the management of the property should immediately be made over.

7th August 1818.

The Board on occasion of issuing certain instructions to the Collector of Jessore relative to the Estate intimated their intention of appointing Ally Akbar Khan Mutwalli, and mentioned that a sunud would be prepared and furnished to him.

8th September 1818.

A few days later they intimated to the Local Agents that Ally Akbar Khan had received a sunud of appointment from the Board.

18th September 1818.

Government having on the 11th December 1818 called for a report on the petition of Wasiq Ally Khan, the Board furnished an abstract account of their proceedings and stated that the former Mutwallis in consequence of their misconduct had been divested of all official charge and an allowance assigned them of 100 Rs. per mensem each, and that Ally Akbar Khan had been appointed Mutwallee in accordance with Government order of the 7th August 1818. The Board remarked that they had been deterred from instituting suits against the Mutwallees only by the probable expense of the process and the little likelihood of obtaining restitution of any considerable portion of the embezzlement.

11th December 1818.
16th July 1819.

The Government considered the explanation satisfactory and authorized the continuance of Akbar Ally Khan as sole Mutwalli.

13th August 1819.

Abstract correspondence in the years 1832-33 relative to the defence of the suit instituted by Wasik Ally Khan and appealed to the Sudder Dewanny Adawlut.

The Commissioner of Burdwan reported that the Sudder Dewanny Adawlut had admitted a special appeal on the ground that the deed of appropriation executed by Mohamed Mohsin was according to the opinion of the Mahomedan Law Officers a Towleutmeiul Wasihut, and not a simple Towleutnamah. Commissioner submitted a draft of the answers which

10th November 1832.

the Local Agents proposed to file, and at the same time expressed his regret that the case had not undergone a judicial investigation previous to the dismissal of the Mootwallee.

Commissioner reported that the case was to be taken up without reference to numerical order and pressed for an early instruction to his previous reference.

8th December 1832.

The case was submitted for the orders of Government in consequence of a difference of opinion between the Members.

12th February 1833.

The Senior Member (Mr. Pattle) despaired of a successful issue of the defence, on the ground of the nature of the appropriation, which he considered to be of a testamentary character, and therefore under Regulation V of 1799, liable to be dealt

MINUTES :

21st December 1832.

23rd January 1833.

5th February 1833.

with only by a judicial tribunal, and he recommended a compromise with the appellant on the basis of his reappointment as joint Mootwallee.

The Junior Member (Mr. W. W. Bird) on the other hand considered

MINUTES :

21st, 25th January and 8th February 1833.

the decisions of the lower courts to be perfectly correct. He was of opinion that all endowments, whether testamentary or otherwise, were liable to the provisions of Regulation XIX, 1810, and therefore recommended that the defence should be maintained.

Governor-General in Council resolved that the appeal should be defended, the line of defence being the right of Government without reference to the courts

15th March 1833.

to remove the Mutwalle for breach of trust proved to its satisfaction.

To

Secretary to Government,

Revenue Department, Bengal.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter of the 14th instant, transmitting for report an original petition presented to His Honour the Deputy Governor by Shaikh Sukhawut Allee and others relative to the alleged misconduct of Mir Kerumut Allee, Mutwallee of the Imambara at Hooghly.

2nd. The petitioners complain that the Commissioner and the Local Agents have neglected to enquire into the charges brought by them against the Mootwallee, although their petition was sent for that purpose to the Local Authorities by the Sudder Board. They inform His Honour of the misconduct and oppression practised by the Mutwallee, and state that the Sheristadar of the Imambarah has, in consequence, been compelled to resign his situation.

3rd. His Honour has been already informed by my letter of the 30th October last, No. 527, that a petition of complaint against the Mootwallee had been some time previously sent to the Local Agents with instructions that they were to make such enquiries and pass such orders as they might think proper. That petition was presented to the Board by Raza Allee, one of the subscribers to the petition now under report and agreed to testify on oath to its veracity.

4th. At the same time that Board addressed Government to the purport above stated, they wrote also to the Commissioner, enquiring what orders had been passed in Raza Allee's petition. The Commissioner's reply, under date the 11th November, No. 357, and a subsequent letter from that officer, dated the 5th instant, No. 392, are submitted for His Honour's perusal. The above communications without assigning sufficient reason for such a determination, are so opposed to any enquiry taken in connection with the further petitions recently presented to the Board by the said Raza Allee and the other

Petition of Raza Ali, No. 736,
and of Sakhawut Ali and others,
No. 735, with annexed documents.

Petition of Sakhawut Ali and
others, No. 764.

subscribers to the petition presented to His Honour, and with the spirit of the orders and opinions of the Local Agents exhibited in the documents annexed to those petitions, the Board even before the receipt of your letter under acknowledgment, had resolved to address the Government, recommending that the serious charges brought against the Mootwallee supported, as they are, by an apparently respectable body of the Mahomedan Community, should be fully investigated, and leaving it for His Honour to determine whether with reference to the strong bias against any enquiry by which the Local Agents

and the Commissioner are apparently influenced, it might not be advisable to assign to an officer altogether unconnected with the management of the institution, the duty of making a thorough scrutiny into the Mutwallce's alleged misconduct.

5th. The petition received with your letter confirms the Board in their opinion, and they beg to recommend the course above suggested to His Honour's favourable consideration.

I have, etc.,

(Sd.) E. CURRIE,
Secretary.

The 24th December 1839.

No. 108.

To E. CURRIE, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

In reply to your letter No. 652 of the 24th ultimo, I am directed by the Hon'ble the Deputy Governor of Bengal to state that previous to the issue of orders on the subject, it is desirable that the Board should state clearly the exact charges against the Mutwallie which they deem it important to enquire into, and for the investigation of which they consider the Commissioner and the two Local Agents unfit.

The enclosures of your letter No. 652 of the 24th ultimo are herewith returned.

I have the honour to be,

SIR,

Your most obedient servant.

(Sd). F. I. HALLIDAY,

Secretary to the Government of Bengal.

FORT WILLIAM,

The 16th January 1840.

No. 88.

Sudder Board of Revenue,
18th February 1840.

Secretary. Government of Bengal, Revenue Department.

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 108, of the 16th ultimo, relative to the alleged misconduct of Syed Keramut Ullee, Mutwallee of the Hooghly Imambarah.

2. The charges brought against the Mutwallee in the petitions, which have been presented to the Board and which the Board consider it important to enquire into, allege the habits and character of the Mutwallee to be such as would render him entirely unfit for the charge of such an institution. They declare that in indulgence, in drunkenness and intemperance and that in his intoxication he is so abusive and outrageously violent that several of the old servants of the Imambarah have been forced to resign their situations. They allege also certain acts of malversation in regard to the funds of the Institution, but these are not perhaps in themselves of sufficient importance to call for a formal enquiry.

3. The Board, however, consider it necessary for the credit of the institution which they are bound to maintain, that the charges of open and habitual drunkenness and violence of conduct, should at any rate be investigated. In their former address of the 24th December last, No. 652, they stated the grounds upon which they considered the Local authorities to have unfitted themselves for the enquiry; and they now beg to suggest that the investigation be committed to the present Commissioner, Mr. Davidson.

(Sd). (ILLEGIBLE.)

No. 206.

Sudder Board of Revenue.
Secretary to Government, Revenue Department.

SIR,

I am directed by the Sudder Board of Revenue to submit for the consideration and orders of the Right Hon'ble the Governor of Bengal the accompanying copy of a letter from the Commissioner of Jessore, No. 102, of 13th instant. and of its enclosure, from the Local Agents of Hooghly respecting an order of the Civil Court requiring payment of the sum of Rs. 7,496-9-7, being the interest due on account of a decree obtained by Wasiq Uli Khan against the estate of the late Mohamed Mohsin.

2. Some years after the demise of the late Mohamad Mohsin (the founder of the Hooghly Imambarah, etc.), a suit was instituted in the Civil Court by Wasiq Uli Khan (the discharged Mutwallee) for the recovery of the principal and interest alleged to be due upon a bond purporting to have been executed by the deceased. The demand was registered upon the ground that there was the strongest reason to suspect that the bond was either a forgery or had been fraudulently obtained from the deceased as with reference to the relative position of the parties at the time the bond is dated as well as to other circumstances, it appeared to the last degree improbable that Mohamed Mohsin would have contracted such a debt to Wasik Allee Khan. The defence, however, did not succeed, and the plaintiff obtained a final decree in his favour which he made over to one Kalla Chand Bose, who held a judgment of the Supreme Court against him, and by whom the decree was again assigned to Messrs. Carr, Tagore & Co. In execution of this decree certain landed property of the deceased, which although not included in the Towleutnamah, appears to have been always under the charge of the Mutwallee and the Local Agents, was advertized for sale by order of the Civil Court. At this time it was brought to the notice of the Board that the Local Agents had a counter-claim against Wasiq Allee Khan on account of the Wasilut of a share of Turulf Bas-sundea, etc., belonging to the Waqf estate from which it had been fraudulently alienated and held in possession for several years by that individual in the name of his wife, and as it was represented that if Wasiq Uli Khan or his assignee succeeded in realizing and appropriating the amount decreed on account of the bond, there would be no means of obtaining the sum which might subsequently be adjudged to be recoverable from him. The Board directed that an application should be made to the Civil Court to stay execution of the decree until the result of the suit about to be instituted against Wasik Allee Khan should be known. This application was granted

by the Sudder Dewanny Adawlut upon condition that the Local Agents should commence their suit forthwith, and should deposit in Court, to abide the event of the suit the full amount, principal and interest (about Rs. 19,000) due upon the bond. This sum was accordingly deposited, the assets of the lapsed 5th share of the Towlent having been appropriated for that purpose. In May last the suit instituted against Wasik Allee Khan was heard by the Judge of Hooghly and dismissed. The decision proceeded merely upon a legal objection to the jurisdiction and did not bar the institution of a fresh suit, but as a careful review of the whole case and of the evidence which could be produced after the lapse of so many years (the claim of the Local Agents extending back to 1816) has satisfied the Board that further legal proceedings would be productive of no advantage and only entail additional expense upon the trust estate; they issued instructions directing that the matter should be allowed to drop. The holders of the decree obtained by Wasik Allee Khan had, in the meantime, applied to the Civil Court for payment of the amount deposited by the Local Agents to abide the event of the suit which had just been dismissed, and upon the Board determining to proceed no further in the case, they instructed the Government pleader to inform the Sudder Dewanny Adawlut that they had no objection to the fund in Court being paid over to the holders of the decree. This payment was made in due course, but the holders of the decree have preferred a claim for interest at 12 per cent. upon the amount deposited by the Local Agents from the date of deposit up to the present time, which claim has been allowed by the Court and the interest amounting to Rs. 7,496-9-7 has been ordered to be paid. This order is clearly just and equitable, but the Local authorities represent that they have no means of meeting promptly so heavy a disbursement out of the proceeds of the trust estates; they state that there is no surplus in the 5ths and that the 5th kept in abeyance has been wholly exhausted. The surplus of the 5th has, the Board believe, been made over to the Committee of Public Instruction. Under these circumstances they would respectfully solicit a compliance with the recommendation of the Commissioner to the effect that the Collector of Hooghly may be authorized to advance the requisite sum from the Government Treasury to be repaid with such interest as Government may think proper to direct, from the collections of the trust estate or from any other source which, upon further enquiry, may appear available for this purpose. The Board would have postponed the present reference in order to ascertain more exactly the precise state of the funds of the trust estate, were it not that each day's delay increases the amount of interest to be eventually paid.

I have, etc.,

(Sd.) ILLEGIBLE.

29th April 1840.

No. 102.

To

The Sudder Board of Revenue.

Fort William.

GENTLEMEN,

With reference to your orders, dated the 6th December 1839, on the subject of the interest due to the holder of the decree obtained by Wasiq Ullee Khan against the Estate of the late Moham-mad Mohsin, I have the honour to submit a letter* to my address, from the Local Agents, and the copy of a Roobukaree from the Judge of Hooghly, the latter directing the agents to remit to his court Rs. 7,496-9-7.

2nd. Your Board will observe that the Local Agents express their inability to comply promptly with the order of the Civil Court, and they suggest that the Collector of the District be directed to advance the requisite sum from the Government Treasury.

3rd. As the Court will of course direct interest to be paid on the sum called for until it is made good, I hope that there exists no objection to the loan solicited, and, if there does not, I request your Board's early instructions.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) T. R. DAVIDSON,

• Commissioner.

• Jessore Commissioner's Office,

18th Division at Alipore,

The 13th April 1840.

No. 12.

To T. R. DAVIDSON, Esq.,

Commissioner of Revenue, 18th Division, Alipore.

SIR,

We beg leave to submit for your consideration and orders a copy of Rubukaree from the Judge of the District calling upon us to remit to his Court S. Rs. 7,496-9-7 as interest on account of the matter alluded to in your predecessor's letter to our address, dated 30th January 1840, No. 4.

2nd. We do not see how so heavy a disbursement is to be met promptly, unless the Collector of the district be directed to advance it as a loan from the Government Treasury. There is no surplus in the 4ths, and the 5th kept in abeyance has been wholly exhausted, as explained in our letter of the 26th ultimo. We solicit, therefore, your instructions what we are to do.

We have, etc.,

(Sd.) W. H. BELL,

(Sd.) G. P. LEYCESTER.

Local Agents

Local Agents' Office, Hooghly,

The 6th April 1840.

No. 714.

To

E. CURRIE, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

I am directed to acknowledge the receipt of your letter No. 206, dated the 29th ultimo, and to request that you will inform the Board in reply that under the circumstances stated and at their recommendation the Right Hon'ble the Governor of Bengal has been pleased to authorize the Collector of Hooghly to advance the sum of Rs. 7,496-9-7 on account of interest due to the holder of the decree obtained by Wasiq Allee Khan against the Estate of the late Mohamed Mohsin.

2. This sum will be repaid hereafter in the manner indicated in the concluding part of your letter under acknowledgment.

3. The explanation of the cause of delay of payment which the Board have furnished is in His Lordship's opinion insufficient. It is not stated what grounds the Board had for applying to the Civil Court to stay execution of the decree, nor what has led to the present opinion that "further legal proceedings would be productive of no advantage," and it is not explained by whom or on what grounds it was "represented" that if the money were paid in the first instance, there would be difficulty in recovering the demand of Wasilut that might be adjudged against Wasiq Allee Khan.

4. A further explanation would seem, therefore, to be required, but in the meantime the payment should not be any longer delayed.

I have the honour to be,

SIR, •

Your most obedient servant,

(Sd.) ILLEGIBLE,

Deputy Secretary to the Government of Bengal.

FORT WILLIAM,

The 12th May 1840.

No. 127.

Sudder Board of Revenue,
Dated 27th May 1840.

Commissioner, Jessore.

With reference to your letter of the 13th ultimo, No. 102, I am directed by the Sudder Board of Revenue to inform you that the Right Hon'ble the Governor has been pleased to authorize the Collector of Hooghly to advance the sum of Rs. 7,496-9-7 from the Government Treasury in payment of interest due to the holders of a decree of the Estate of Mohamed Mohsin. The amount to be repaid from the collections of the Trust Estate or from any other source that may be made available for the purpose. Extract paras. 1 and 2 of the orders of Government, dated the 12th instant, No. 714, is enclosed.

•

(Sd.) ILLEGIBLE.

P.S.—The original enclosures of your letter are herewith returned.

No. 831.

To

E. CURRIE, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

I am now directed by the Right Hon'ble the Governor of Bengal to acknowledge the receipt of your letter No. 88 of the 18th February last on the subject of certain petitions presented to the Board containing charges against Keramat Ally, the Mutwallce of the Hooghly Imambarah.

2. The Right Hon'ble the Governor of Bengal having requested the Commissioner of the Jessore Division to endeavour to ascertain in the first instance the truth of the alleged facts upon which the accusations were supposed to rest, Mr. Davidson has favoured His Lordship with a report, copy of which I am directed to forward, and to inform you that His Lordship is now perfectly satisfied of the groundless nature of the charges in question.

3. The original papers received with your letter No. 652 of the 24th December last are herewith returned, copies having been kept of such as were necessary.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Deputy Secretary to the Government of Bengal.

FORT WILLIAM,

The 20th June 1840.

18 C.T.

To

The Sudder Board of Revenue,

Fort William

GENTLEMEN,

I have the honour to submit in original the papers noted in the margin for such orders as you may deem proper.

Letter from Local Agents with enclosures No. 35, dated the 7th September 1840; Commissioner to Local Agents, No. 23, dated the 16th October 1840; Local Agents to Commissioner and enclosure from Mutwallee, No. 42, dated 19th November 1840.

2. It would appear that the Government have directed the Superintending Engineer, Lower Provinces, to inspect the Imambarah at Hooghly with the view to the erection of an entire new edifice as soon as circumstances may permit and that Major Garstin has recommended "in the meantime" that certain parts of the present building should be repaired.

3. The Mutwallee considers the duty of effecting repairs to rest with himself, and he reports that he has available funds in his hands for this purpose to the amount of Rs. 34,664. I entirely agree with the Local Agents that the accumulation of so large a sum, when the Mutwallee had full power over the expenditure of the 3rd share is highly creditable to him and that the fact of his having the means at command is the best assurance of his honest intentions. I would recommend, therefore, the Mutwallee's application to your favourable consideration, and, as suggested by himself, the Superintending Engineer may be requested hereafter to test the work.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,
Commissioner.

Jessore Commissioner's office,
18th Division at Jessore,
The 27th November 1840.

No. 23.

To

The Local Agents of Hooghly.

GENTLEMEN.

I have the honour to acknowledge the receipt of your letter and of its enclosures of the 7th ultimo, No. 35, forwarding a reference from the Mutwallee respecting the Imambarah at Hooghly, and

in reply to observe that it would be unusual to transmit letter to the address of the Governor General from the Mutwallee. If that gentleman will, however, be good enough to address you on the subject, you will be pleased to forward his communication together with the expression of your own sentiments.

I have, etc.,

(Sd.) T. R. DAVIDSON,
Commissioner.

Jessore Commissioner's office,
18th Division at Alipore,
The 16th October 1840.

No. 35.

To

T. R. DAVIDSON, Esq.,

Commissioner of Revenue for the 18th Division,
Allipore.

SIR,

We have the honour to submit for your information an original application furnished by the Mutwallee on the subject of the Imambarah buildings.

2. He is anxious, Government should declare distinctly its intentions or not to build an entire new edifice, because, as he has now a considerable sum accumulated in the 3ths, which division of the funds is liable for all charges of repairs, he has sufficient money in hand for purposes of that description, and would commence the business and regulate his proceedings by the ultimate views of Government.

3. If the idea of erecting new edifices upon a grand scale be altogether abandoned, or postponed so to speak *sine die*, the Mutwallee is prepared to carry on repairs to the extent such circumstances would call for. This view of the case is further strengthened by a letter to our address from Major Garstin, Superintending Engineer, Lower Provinces, which came to hand just after the receipt of the Mutwallee's application above alluded to. This letter and our reply we beg to annex, being in connection with the subject we are now bringing to your notice.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) W. H. BELLI,

(Sd.) G. P. LEYCESTER,

Local Agents.

LOCAL AGENTS' OFFICE,
HOOGHLY.

The 7th September 1840.

No. 42.

To

T. R. DAVIDSON, Esq.,

Commissioner of the 18th Division.

Alipore.

SIR,

With reference to your letter No. 23 of the 16th ultimo, I have now the honour to forward copy of a proceeding addressed to us by the Mutwallee of the Imambarah, the abstract particulars of which are that he considers, the more duty of effecting repairs only should rest exclusively with himself, that he has funds enough in hand for the purpose, viz., 3,46,640 Rs. and that he is perfectly ready to have his disbursements and work tested by any officer, Government may be pleased to depute for the occasion. He would not for this object require any aid from the bonus in deposit at the general treasury.

2. If this meets with your approval, he hopes you will bring the same to the notice of Government; as far as my own opinion is called for, I beg to say that what the Mutwallee has advanced appears to me reasonable. It will relieve Government from much vexatious supervision, whilst its interference in this way seems to give umbrage without promising any corresponding benefit; all that Government in this case seems concerned to know is that the money expended be *bonâ fide* accounted for, and this, their executive officer could test subsequently; of honest intentions on the part of the Mutwallee, I think it no small guarantee, that he has allowed that fund to accumulate so largely, whereas with the great discretion he possesses over $\frac{3}{4}$ ths he might expend monies *ad libitum* on the religious ceremonies and festivals, yet none has ever said that he has been sparing in that way; on the contrary it has been frequently affirmed that he conducts all the ceremonies with pomp and show such as had not been witnessed for many years past.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) W. H. BELL.

LOCAL AGENTS' OFFICE,

HOOGHLY,

The 19th November 1840.

P. S.

In submitting this under my single signature, I have to explain that Mr. Leycester is absent in the interior, and requested me so long as he continued in the Moofassil to transact the business alone.

(Sd.) W. H. B.

L. A.

No. 1239.

Superintending Engineer's Office,
Lower Provinces, Barrackpore.

31st August 1840.

To

The Commissioners of the Imambarah,
Hooghly.

GENTLEMEN,

Having been directed by Lord Auckland to inspect the Imambarah at Hooghly, I went there accompanied by the Executive Engineer with his plans of the building. I then carefully examined the whole of the buildings and premises.

2. Since then I have received the orders of Government to inspect the building with you, but as this letter was received after I had made the inspection, and as you are also equally well acquainted with the premises, it may not be necessary to visit it again, unless you wish it, in which case, I will meet you any day you like.

3. With advertance to my examination and the intentions of Government to build an entire new Edifice, as soon as circumstances may permit, I would recommend that the repairs now required should be confined to keeping the habitable parts and the part of the Edifice where the ceremonies take place in order, and that all the old ruinous buildings should be pulled down in order to clear the ground, for the collection of materials for the new buildings. With reference to the numerous godowns and their contents, I consider the number now existing as quite unnecessary, and would recommend the purchase of all the bamboos for flags and stages for lighting the buildings rather than keeping them. No godowns can be required for keeping anything beyond glass or pots, oil, carpets etc., and as at present they hire places for the pilgrims to eat and sleep in, I would recommend that this plan should still be continued and even extended to

godowns. if necessary, until Government are ready to commence on the new buildings ; indeed, if all the plans, etc., were ready, nothing could be done until the old buildings are removed. An examination of the contents of the godowns will show how worthless the greater part of them are, and, in the new plan proposed, no such provision is made ; there are a few, which might be repaired at a small cost so as to be serviceable until the new works are commenced, but a very great number of the old buildings might be removed at once with advantage. If you agree with me that this is the best mode of proceeding at present and under existing circumstances, I will authorize such an estimate to be made, and no time will be lost in getting these repairs done ; more than this I could not recommend ; and I have no doubt that if you agree in opinion with me, this much will be immediately passed at least as soon as the delays of office permit.

I am, etc.,

(Sd.) E. GARSTIN, MAJOR,
Superintending Engineer, etc.,
L. P.

No 34.

To

MAJOR E. GARSTIN,
Superintending Engineer,
Lower Provinces,
Barrackpore.

SIR,

We had the honour of receiving your letter No. 1239 of the 31st ultimo. in due course and communicated its purport to the Mutwalliee, for he had previously to the receipt of yours under acknowledgment addressed us on the subject of repairs.

2. From his reply. copy of which we take leave to place before you, it appears he has no desire to give you any trouble in the matter of repairing only ; he will undertake that duty himself, if Government will but declare at what distant period the commencement of new buildings will be sanctioned. He has ample funds in his own hands for all purposes of this kind, and he is willing that whatever he expends on this score be tested by your department or in such other mode as the Government may be pleased to direct, but he conceives, he has complete discretion to direct or superintend himself the business. With this end he has accumulated a considerable sum in the $\frac{3}{4}$ ths derived from the net proceeds of the endowed property : under this head of the funds all repairs are chargeable.

3. We have nothing further to add, but beg to express our concurrence with your sentiments throughout the body of your letter. We intend under this date forwarding to the Commissioner of Revenue the paper of the Mutwallee explanatory of the views above given.

We have, etc.,

(Sd.) W. H. BELLI,

(Sd.) G. P. LEYCESTER,

Local Agents.

LOCAL AGENTS' OFFICE,

HOOGHLY,

The 7th September 1840.

No. 660.

Sudder Board of Revenue,
Dated 26th December 1840.

Secretary, Government of Bengal,
Revenue Department.

WITH reference to the correspondence noted in the margin on the subject of the repairs of the Imambarah of Mohammad Mohsin at Hooghly, I am directed by the Sudder Board of Revenue to report, for the information and orders of the Right Honourable the Governor, that the Mutwallee has represented to the Local Agents that he has in hand a sum of Rs. 34,664 accumulated from the proceeds of the 3ths share which division of the funds with the terms of the Towleutnamah is liable for all charges of repairs, that he considers the duty of effecting the repairs to rest exclusively with himself, and that he is willing that his disbursements and work should be tested by any officer His Lordship may be pleased to depute for the purpose.

Government order 19th December 1839, No. 1756.
Board's order 7th January No. 2.
Government order 1st December No. 1582. } 1840

Under these circumstances the Board would recommend that the Mutwallee should be allowed to make the repairs without any interference on the part of the Government officers, but subject eventually to the examination of the Executive Engineer. The Local Agents report that while the Mutwallee has, by good management and an honest discharge of the duties entrusted to him, accumulated this large sum above mentioned, he has at the same time conducted all the ceremonies with a pomp and splendour such as had not been witnessed from many years past. The Board, therefore, concur with the Local authorities in considering him entitled to all confidence, and they have little doubt that if duly encouraged, he will provide from the same legitimate source for the eventual rebuilding of the Imambarah when such a measure may become absolutely necessary.

(Sd.) ILLEGIBLE.

No. 73.

To

E. CURRIE, Esq.,

Secretary to the Sudder Board of Revenue.

SIR,

I am directed to inform you in reply to your communication No. 660 of the 26th ultimo that the Right Hon'ble the Governor of Bengal concurs in opinion with the Board that the execution of repairs to the buildings attached to the Hooghly Imambarah should be entrusted exclusively to the Mutwallie of that Endowment, the more especially as His Lordship was gratified on the occasion of his late visit to the institution at the evident care manifested by the superintendent in keeping the edifice in order.

2. It will, of course, be necessary that the Executive Engineer of the Division should after a personal inspection furnish a report upon the repairs when completed.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Deputy Secretary to the Government of Bengal.

FORT WILLIAM,

The 12th January 1841.

To

The Sudder Board of Revenue,

Fort William.

GENTLEMEN,

On the 17th June 1839, Mr. Dampier addressed the Local Agents at Hooghly stating that when he was last there, the Mutwallee had represented to him that the establishment for the service of the Imambarah paid from the $\frac{1}{3}$ ths share was not in many instances sufficient for the purpose and that the remuneration authorized was not large enough to induce persons of respectability to undertake the offices. Mr. Dampier requested, therefore, that they would place themselves in communication with the Mutwallee and report what alterations in the establishment and scale of remuneration they would propose, as he wished the whole to be put at once on a footing which should prevent all future complaints, cavillings, or altercations.

2nd. On the 9th of October they replied and submitted certain statements exhibiting an increase of Rs. 589-8-0 per mensem or Rs. 7,074 yearly. The expense on account of Zakerans they observed, was considerable and much beyond what had heretofore sufficed. They remarked, however, that the Mutwallee considered this branch of the establishment to be most inefficiently conducted and to want that respectability which the character and magnitude of the endowment demanded. Under this view of the case and with reference to the declared opinion of Government that they were not required in any way to question his arrangements for religious purposes, they confined themselves to a bare allusion to the fact, at the same time submitting that this expenditure is properly chargeable to the $\frac{1}{3}$ ths share.

3rd. On the 2nd of November, Mr. Dampier replied that he was not prepared at once to sanction the alterations proposed by the Mutwallee. The expense for Zakerans, he observed, was certainly large; he doubted whether it should come under the $\frac{1}{3}$ ths share, and thought it would more properly appertain to the $\frac{1}{3}$ ths. Under any circumstances in the then existing state of the collections, he observed, that it could not be allowed from the $\frac{1}{3}$ ths shares, but that if the expense did properly fall under the $\frac{1}{3}$ ths shares, the Mutwallee was at liberty to do as he liked.

4th. On the 14th of January 1840, Mr. Belli in sending down the quarterly account of the Imambarah, from August to October, stated that the Mutwallee had increased the establishment beyond what was sanctioned by the Board's letter of the 7th September 1836, and at the same time submitted a statement shewing the increase amounting to Rs. 137-0-0 monthly. On the 20th idem, Mr. Dampier replied that, although the Mutwallee had full power over the religious part of the Imambarah, so long as the funds were appropriated by him to their proper purposes, yet he did not consider that he had at all the same power with regard to the $\frac{1}{3}$ ths share; otherwise he

might be able to interfere with the establishment at Jessore, the management of the Hospital, and in many cases put a stop to the intentions and orders of Government; that of course due regard would be paid to his wishes for an increase of establishment provided, the funds would admit of it, but that any new expenses must first be recommended by the Agents and sanctioned by him: he therefore declined sanctioning the increase of establishment till he should be satisfied that it was actually necessary and that the funds could bear it.

5th. The matter was not again agitated till March last, on the 25th of which month the Local Agents addressed me submitting, for the purpose of being laid before your Board, an Uzuhaut from the Mutwallee, with an abstract translation, appealing against the orders of Mr. Dampier, of the 20th January 1840, referred to in the preceding paragraph. As I had it in contemplation to visit Hooghly soon after this letter reached me, and as it referred to charges which had been disallowed by Mr. Dampier, I deferred the consideration of the subject till I should have had an opportunity of speaking to the Mutwallee. This did not happen till June, and, as I only returned to Headquarters in the beginning of July, and have been since much occupied with other matters, it was not till to-day that I was able to take the matter up for report.

6th. The Mutwallee had little to say to me beyond expressing his dissatisfaction with Mr. Dampier's order, and affirming the necessity of a permanent increase of expenditure on account of Zakerans with reference to the character and respectability of the Endowment. Mr. Dampier himself was of opinion that there was nothing to say in objection to this increase, if it pertained to the 3ths shares. The Zakirans have hitherto been paid from the 4ths shares, but from the wording of the deed of Endowment or Towleutnamah, it would certainly appear that the expenses on this account might, with propriety, be borne by the 3ths shares, and, as this change accords with the wishes of the Mutwallee and with the opinions of the Local Agents, I have only to recommend it to your Board's favourable consideration, remarking further that the last annual cash account closed up to the 30th April 1841 shews a balance, in the Treasury on account of the 3ths shares, of Rs. 33,850-0-0.

7th. The letter of the Local Agents of the 25th March last in original, with its enclosures, is herewith submitted.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Offg. Commissioner.

JESSORE COMMISSIONER'S OFFICE,

18th Division at Alipore,

The 12th August 1841.

P.S.—I solicit the return of the original papers when no longer required.

No. 153.

Sudder Board of Revenue,
Dated 25th August 1841.

Commissioner of Jessore.

SIR,

I am directed by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 169 of the 12th instant, together with its several enclosures, on the subject of the increased establishment of the Hooghly Imambarah.

2nd. In reply the Board direct me to inform you that under the orders of Government, dated the 28th October 1835, and 17th April 1838. the Mutwallee was to receive a full $\frac{3}{4}$ ths of the proceeds of the Endowment for the support of the Imambarah and for the performance of the prescribed religious rites and ceremonies, and that he is left to appropriate the money to those purposes according to his own discretion.

3rd. As it accords with the wishes of the Mutwallee to pay the Zakerans from the $\frac{3}{4}$ ths share, the Board concur with you that no objection exists to the increase, the funds of the $\frac{3}{4}$ ths share being amply sufficient to meet any such charge.

4th. The original enclosures of your letters are returned.

I have, etc.,

• 'Sd.) ILLEGIBLE.

No. 187.

From

Offg. Deputy Secretary to the Government of Bengal in the
Revenue Department,

To

E. CURRIE, Esq., Secretary, Sudder Board of Revenue.

Fort William,

6th February 1843.

SIR,

I am directed by the Hon'ble the Deputy Governor of Bengal to forward an original letter No. 6 of the 3rd instant from the Secretary to the Government of India in the Revenue Department, with the extract proceedings referred to therein, containing the sentiments of the Hon'ble the Court of Directors on the claim of Wasiq Ali Khan to be restored to the Mutwallyship of the Hooghly Imambarah.

2. The Board are requested to furnish, as early as practicable the information required by the Supreme Government as to the present state and distribution of the funds of the Endowment of the late Hajee Mohammad Mohsin.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Offg. Dy. Secy. to the Govt. of Bengal.

No. 6.

From

Offg. Secretary to the Government of India,

To

F. I. HALLIDAY, Esq.,

Secretary to the Government of Bengal.

Dated Council Chamber, 3rd February 1843.

SIR,

In forwarding the accompanying copy of an extract No. 253 from the proceedings of the Supreme Government in the General Department, dated the 28th December 1842, for submission to the Hon'ble the

Deputy Governor of Bengal, I am directed to request that His Honour will cause information to be furnished as to the present state and distribution of the Funds of the Endowment of the late Hajee Mohamed Mohsin.

I have the honour to be, etc.,

(Sd.) F. I. HALLIDAY,

Offg. Secretary to the Govt. of India.

No. 253.

Extract from the proceedings of the Hon'ble the President of the Council of India in Council in the General Department under date the 28th December 1842.

Extract from a public letter No. 20 of 1842, from the Hon'ble the Court of Directors to the Government of India, dated the 2nd November.

Answer to India Revenue letters dated the 20th July, No. 19, of 1840, paras. 72-75, and 6th December, No. 25 of 1841.

Forwarding Memorials from
Wasiq Ali Khan on his removal
from the Hooghly Imambara.

Para 5. You forward to us a printed copy of a memorial addressed to us by Wasiq Ali Khan as well as of his memorial to the Council of India presented in 1838, of the latter, of which you forwarded a copy with your Despatch No. 19 of 20th of July 1840, and you observe that you have nothing to add to what was then stated on the subject, and that you see no reason to recommend any modification of the decision then passed; we concur with you in opinion that there is not any sufficient reason for reversing the decisions heretofore passed adverse to the claim of the Memorialist.

6th. Wasiq Ali Khan founds his claim to the office of Mutwallee of the Imambarah of Hooghly upon his father's nomination of him, and urges the injustice of his subsequent supersession upon the interested misrepresentation of an individual Akbar Ali Khan, and the absence of any proof against him of misconduct or malversation as admitted by some of the British functionaries before whom his cause was judicially investigated. It is not necessary to question the right of Rujub Ali Khan, the father of Wasiq Ali, to nominate a successor to the Trusteeship, although the actual performance of the Trust by Wasiq Ali Khan prior to his father's demise seems to be very doubtful; admitting, however, the validity of the nomination, the right of the State to remove the nominee upon sufficient grounds does not appear to be contested. That his removal took place solely in consequence of the report of an interested calumniator is not correct. There was indeed no judicial proof to the discredit of Wasiq Ali's administration, because there was no judicial investigation, but there were indisputable facts (independently of Akbar Ali Khan's report) which establish mismanagement at least, if not malversation. That the charge against the Mutwallee did not rest solely upon Akbar Ali Khan's representations, and that it was not without foundation is sufficiently shewn

in the records of the Revenue Department referred to in the letter from the Board of Revenue to the Secretary of the Government of Bengal, Revenue Department, 17th July 1832, accompanying your despatch of 20th July 1840.

7th. From these proceedings it appears that in March 1815 the Estate from which the Endowment was derivable had been so seriously deteriorated by the mismanagement of the Mutwallees that it became necessary to attach it for the arrears of Revenue due to the Government. After a short interval it was again surrendered to the Mutwallees on prescribed stipulations; these stipulations they failed to fulfil, and the Estate was, therefore, finally taken under the administration of the Board of Revenue in November 1816; Wasiq Ali cannot disclaim participation in the mismanagement which led to the temporary sequestration or final disposition of the Estate, as he sets forth in his memorial that he was appointed Mootwallee in January 1814, and continued to hold the office until March 1816. That the default in the payment of revenue was imputable to bad management has been undeniably proved by the subsequent accumulation of a surplus of Rs. 8,63,543 that has been realized under a different system.

8th. The question of mismanagement, therefore, placed beyond all dispute the removal of the managing trustees was justifiable, both by the general principles of the Mahomedan law which invests the State with the guardianship of the public trusts, and by the provisions of Regulation XIX, 1810, which expressly provide for the like object. The Government of Bengal has had in view no other purpose than the security of the funds which were devised for specific appropriation, and was fully warranted in removing Wasiq Ali from an office the duties of which they considered him disqualified to discharge, the claim of Wasiq Ali Khan to be reinstated in that office has been prosecuted by him in our Courts of Justice, and his right to be reinstated has been rejected in all. You will, therefore, apprise Wasiq Ali Khan that we have read and duly considered his memorial and that we do not regard it advisable to restore him to the appointment of Mutwallee of the Hooghly Imambarah from which he was removed in the year 1814.

9th. We shall, however, not object to the grant of some allowance to Wasiq Ali from the Trust Funds, if on consideration of all the circumstances of the case you should consider that measure expedient.

ORDER.

Ordered that a copy of these paragraphs of the Hon'ble Court's letter in reply to letters from this Government forwarding memorials from Wasiq Ali Khan soliciting to be restored to the appointment of Mutwallee of the Hooghly Imambarah, be sent to the Revenue Department of the Government of India for information and any orders that may be necessary.

I have, etc.,

(Sd.) H. V. BAYLEY,

Deputy Secretary to Government of India

SUDDER BOARD OF REVENUE,

Dated 18th June 1843.

Secretary to Government, Revenue Department.

In reply to your letter No. 187, dated 6th February last, I am instructed by the Sudder Board of Revenue to transmit in original the accompanying report (No. 9 of the 11th ultimo) from the Local Agents of Hooghly and its Persian enclosure, received through the Commissioner of Jessore, in which will be found the desired information relative to the present state and the distribution of the funds of the Endowment of the late Hajee Mohammad Mohsin.

2. From the report of the present Mutwallee it appears that Wasiq Ali, the deposed Trustee, is in the receipt of an annual pension of 1,280 rupees from the trust funds.

(Sd.) ILLEGIBLE.

N.B.—Submitting the information called for in Government letter No. 187 of 6th February last relative to the present state and distribution of the funds of the Hooghly Imambarah Endowment.

P.S.—The original enclosures of your letter are herewith returned.

No. 9.

To

J. J. HARVEY, Esq.,

Offg. Commissioner of the 18th or Jessore Division,

Burdwan.

SIR,

We have the honour to acknowledge the receipt of your former letter No. 3 of the 13th ultimo, on the subject of the state and distribution of the Funds of Endowment of late Hajee Mohammad Mohsin, and beg to submit the following information :—

	Rs.	A.	P.
The accumulated funds under this agency up			
to April 1843
			34,883 10 10
The income about yearly
			5,400 0 0

This income is distributed into nine shares, of which—

1st share is remitted to the education committee;

2nd share paid to the Mutwallee;

3rd share appropriated by the Mutwallee for religious purposes;

4th share appropriated by the Mutwallee to the payment—

First, of the Establishment of Imambarah; and

second, to the expenses of the Hospital;

third, for Musafirkhana or the expenses of feeding travellers;

fourth, to the payment of pensions;

fifth, to the payment of the office establishment of the local agents;

sixth, the expenses of the Imambarah of Moorely;

seventh, the payments of miscellaneous charges.

Besides the above items of distribution, we may bring to your notice that the income above stated is the average net profits from the Jessore Estates and the Emambazar at Hooghly, exclusive of the expenses of the revenue management of the Estate which may annually cost ten thousand rupees.

2nd. We would also represent that a sum of about ten lacks of rupees is deposited in the hands of the Government Agent, from the interest of which the expenses of the College of Chinsurah is believed to be discharged, but of which we have no account and over which we have no control.

3rd. Enclosed we transmit a copy of the Mutwallee's proceedings and a statement furnished at our requisition by him on the subject.

4th. Of the accumulated funds Rs. 34,883-10-10, the sum of Rs. 18,397-1-4½ p. is at the disposal of Government and the rest Rs. 16,486-9-5½ under the control of the Mutwallee.

5th. We have to remark in conclusion no accounts later than January last have been furnished to the agency by the Mutwallee, and these were forwarded to your predecessor under date the 10th March 1843. The year being now closed, the Mutwallee will be called upon to furnish the regular accounts without delay. From the absence of these accounts we are at the present moment indebted to the Mutwallee for the statement of the accumulated funds above indicated.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) ILLEGIBLE,

(Sd.) ILLEGIBLE,

Local Agents.

LOCAL AGENTS' OFFICE,

HOOGHLY;

The 11th May 1843.

From

The Commissioner of the Jessore Division,

The Offg. Secretary to the Sudder Board of Revenue,

Fort William.

Dated Allipore, the 3rd September 1846.

SIR,

A copy of Persian Rubookary
and of English Minutes of the
Local Agents.

I have the honour to submit an original letter, No. 29, dated the 27th July 1846, from the Local Agents of Hooghly, and its enclosures, as per margin.

2nd. From these the Sudder Board of Revenue will learn that the large surplus of Rs. 75,973-6-8½ p. remained unappropriated in deposit in the Hooghly Collectorate at the close of the official year 1845-46, being accumulations in the proportions as per margin of the ¾ths and ⅓ths shares of the endowment of Mohomed Mohsin at Hooghly.

	Rs.	A.	P.
¾ths share...	22,978	4	1½
⅓ths ,, ...	52,995	2	7
Total ...	75,973	6	8½

3rd. The Sudder Board of Revenue will further learn that a difference of opinion exists between the Local Agents on the subject of the appropriation of these surplus Funds. Mr. Reid recommends that the Government promissory notes should be purchased for the benefit of the trust estate to the extent of Rs. 40,000, from the ¾ths accumulations and Rs. 10,000 from the ⅓ths accumulations. Wanchope, on the contrary, considers that the funds should be expended in a manner proper in itself and advantageous to the institution and not accumulated, and he concurs with the Mutwallee that the Mutwallee should be allowed to expend these funds as he proposes in adding to and repairing the Imambarah and increasing, so far as necessary, the number of servants of the Imambarah.

4th. On reference to the orders of Government, dated the 17th April 1838, communicated with Mr. Secretary Currie's letter No. 205, dated the 15th May 1838, it is clear to me that the full accumulations of the ¾ths share should be placed at the unfettered disposal of the Mutwallee for appropriation as he proposes in adding to and repairing the buildings of the Imambarah and the increase, as far as necessary, of the servants of the Establishment, and I propose to instruct the Local Agents accordingly.

5th. Regarding the accumulations of ¾ths share, I observe that as no copy of the deed of endowment, nor of the explanation of it given in the orders of Government dated 28th October 1835 is in

this office am compelled to solicit that I may be furnished with copies of these documents from the Sudder Board's office, to enable me to submit my recommendation as to the disposal of the accumulation of this share.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,
Commissioner.

No. 29.

From

The Local Agents of Hooghly,

To

The Commissioner of the 18th Division, Allipore.

Dated Hooghly, the 27th July 1846.

SIR,

We have the honour to acknowledge the receipt of your letter of the 22nd ultimo, No. 18, and beg to state for your information that the Mutwallee proposes erecting a new Imambarah and other edifices and increasing the Establishment of the institution, with the sum of Rs. 75,973-6-8½, which had accumulated out of the ¾ths and ¼ths shares up to April of the current year—a copy of his Rubukaree is annexed.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) REID,

Local Agent ;

(Sd.) ILLEGIBLE, . .

Offg. Local Agent. "

MINUTE.

It is my opinion that for the benefit of the Trust Estate, two Government Promissory notes be purchased for the sum of Rs. 50,000, viz., one for 40,000 Rupees in part of 52,995-2-7 which have been accumulated to the ¾ths share and another for 10,000 Rupees in part of Rs. 22,978-4-1½ re accounts of ¾ths share.

(Sd.) REID,

Local Agent.

Mutwalee.

my opinion that the proposal of the Mutwallee should be complied with, as I do not see the advantage of accumulating funds which will never be expended. I think that we as Local Agents have power to check any fraud on the part of the Mutwallee in the disbursement of the Imambarah Funds, but I do not think it was ever intended that we should prohibit the expenditure of the funds in a manner proper in itself and advantageous to the institutions. I consider the erection of a new Imambarah to be expedient—present building being a ruin. It will also be an act of justice to this Mutwallee to acquiesce in his proposal, the whole of the surplus fund now available having been accumulated during his incumbency of office and by his good management. The Local Agents were of this opinion in their letter to the Commissioner, dated the 18th August 1845. I do not here enter the subject of how or by whom the building is to be erected.

(Sd.) ILLEGIBLE,

Offg. Local Agent.

From

The Commissioner of the Jessore Division,

To

The Offg. Secretary to the Sudder Board of Revenue,

Fort William.

Dated Allipore, the 7th October 1846.

SIR,

Translation of the Towelut-namah of Mohammad Mohsin.

Extract from the proceedings of the Hon'ble the Governor-General of India in Council in the General Department, under date the 28th October 1835, No. 108

One letter from Mr. H. T. Prinsep, Secretary to Government, dated 28th October 1846, No. 282.

In continuation of my letter No. 404, dated 3rd September 1846, I have the honour to acknowledge the receipt of your letter No. 340, dated 23rd September 1846, with enclosures as per margin.

2nd. Under the authoritative regulation of the future appropriation of the surplus funds of the income of the Trust estate contained in the proceedings of the Hon'ble the Governor-General of India in Council in the General Department, under date the 28th October 1835, more especially the 10-12 and subsequent paras. of these proceedings, it appears to me clear that the present accumulation of Rs. 52,995 in the 3th share ought to be applied first to the providing appropriate buildings for the Emambarah, and other religious edifices belonging to the trust, as applied for by the Mutwallee, and then after defraying the expenses of these buildings that the remainder should be appropriated in such manner as the Council of education may determine to the purposes of education at the college of Mohamed Mohsin at Hooghly.

3rd. I see no ground in the original trust deed for recommending further accumulation of these funds by investment in Government papers and confining the expenditure only to the interest of the present further accumulation, but I am of opinion that a careful management of the Trust Funds requires that in future, all accumulations in the Collector's treasury should be avoided and that, whenever these accumulations amount in any share to more than Rs. 5,000, that reserving this sum for current expenses, surplus of each year in each share ought to be at once placed at interest in Government securities to the credit of the share to which it appertains.

4th. I would further suggest that the extent and nature of the buildings appropriate for the Emambarah and other religious edifices

belonging to the Trust should be referred for report to a committee of Mussalman gentlemen, of whom the Mutwallee should be one, who should be informed of the sum available for these purposes, and required to accompany their report by a plan and estimate prepared by a professional European builder.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

No. 435.

SUDDER BOARD OF REVENUE.

Dated 28th November 1846.

To

The Commissioner of the Jessore Division.

SIR,

In reply to your letter of the 7th ultimo, No. 466, I am instructed by the Sudder Board of Revenue to inform you that they approve of what you have done and what you propose to do in the matters of the accumulated surplus of the Hooghly Kambarah Funds.

(Sd.) ILLEGIBLE.

From

The Commissioner of the 18th or Jessore Division.

To

The Secretary to the Sudder Board of Revenue.

Fort William.

Dated 1st October 1847.

SIR,

I have the honour to submit to the consideration and for the orders of the Sudder Board of Revenue 3 original letters, Nos. 15, 20 and 25, dated, respectively, 1st June, 18th August, and 18th September 1847, with their respective enclosures as per margin, from the Local Agents of Hooghly, and copy of my letters Nos. 4 and 11, dated the 11th June and 10th September 1847, referred to in them.

Four quarterly cash accounts of 1846-47.
Annual cash accounts from May 1846 to April 1847.
Local Agents' proceedings dated 8th April 1847.
Mutwallee's proceedings dated 6th May 1847.
Mutwallee's proceedings dated 20th June 1847.
Mutwallee's proceedings dated 8th July 1847.

2nd. From these the Sudder Board of Revenue will learn that the Local Agents of Hooghly have disapproved of the proceedings of Syed Keramat Allée, Mutwallee, in having appointed at a monthly salary of 100 Rupees, Moulvi Meer Mohammad for the performance of certain duties in the Imambarah and desire that their disapproval be notified to the Sudder Board of Revenue under the rule prescribed in the penultimate period of the 4th para. of the orders of Government No. 712. dated 13th April 1838. It is stated by them as one ground of disapproval that this individual, Mutwalloe Meer Mohammad also receives 300 Rupees per mensem from the Education Department of the Hooghly College.

3rd. The Mutwallee explains that in making this appointment he has acted under the power vested in him by orders of Government, dated 17th April 1838, and he was obliged to make the allowance to induce the Moulvee to remain in the post and perform its duties.

4th. The Local Agents also object to the tone of the Mutwallee's roobakarry dated 8th July 1847.

5th. I do not concur with the Local Agents in the objection taken to this appointment by the Mutwallee. I do not consider that it at all follows that the tenure of the two offices is incompatible with a due performance of the duties of both—those of the Emambarah and College—at all events this is a point which the Council of Education, and not the Local Agents, are competent to dispose of, and I do not see that in making this appointment Syed Keramat Ally has in any way exceeded the power vested in him.

6th. I consider the Mutwallee has unnecessarily felt annoyed at the opinion expressed by the Local Agents in this matter, and perhaps expressed this more forcibly than was necessary, but I do not agree with the Local Agents that there is anything in the tone of the Mutwallee's roobokarry of the 8th July 1847 so entirely objectionable as the Local Agents consider.

7th. With these remarks, I submit the case for the Sudder Board's orders.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

No. 15.

From

The Local Agents of Hooghly,

To

The Commissioner of the 18th Division, Allipore,

Dated Hooghly, the 1st June 1847.

SIR,

We have the honour to submit the 4th quarterly cash account of the Hooghly Emambarah from 1st February to 30th April 1847, and the annual cash account from May 1846 to April 1847, furnished by the Mutwallee.

2nd. We also beg leave to forward copies of Roobukaries noted in the margin wherein you will observe that the Mutwallee was desired to discontinue paying the nuzzuranah or present of 100 Rs. per mensem which was charged by him under the head of 3ths share, see our 3rd quarterly account of the current year to Moulvee Meer Mohammad, one of the Arabic Teachers of the College at Chinsurah, appertaining to this institution who draws a salary of 300 Rs. per mensem besides residing in the Emambarah free of rent.

3rd. The Mutwallee states in his rubukaree that the abovenamed individual attends the various religious ceremonies connected with the Emambarah and is allowed 100 Rs. as salary not nuzuranah or present, and he further says that the services which he has to perform are various and that they consequently cannot be specified.

4th. We are of opinion in conformity with the orders of Government conveyed in Mr. Secretary Halliday's letter No. 712, dated the 17th April 1838, that it is proper to bring this unnecessary expense of 100 Rs. per mensem incurred by the Mootwallee to the notice of the Board, especially as we find that charges of this nature have never been allowed since the endowment came under the control of the Local Agency.

We have the honour to be,

Sir,

Your most obedient servants,

(Sd.) A. REID,

(Sd.) S. WACHOPE,

Local Agents.

No. 4.

From

The Commissioner of the 18th or Jessore Division,

To

The Local Agents at Hooghly.

Dated Allipore, the 11th June 1847.

GENTLEMEN,

Before determining on the necessity or otherwise of a reference to the Sudder Board of Revenue on the subject of your letter No. 15, dated the 1st June 1847, I have the honour to request you will ascertain from the Mutwallee and report by whom and at what monthly charge, the services performed by Moulvi Meer Mohammad in the Imambarah have hitherto been performed and what has rendered advisable or necessary this increased expense.

I have, etc.,

(Sd.) J. J. HARVEY,

Commissioner.

No. 20.

From

The Local Agents of Hooghly,

To

The Commissioner of the 18th Division,

Allipore.

Dated Hooghly, the 18th August 1847.

SIR,

In conformity with the instructions contained in your letter No. 4 dated the 11th June 1847, we have called for from the Mutwallee an explanation on the subject therein alluded to.

2nd. You will observe from copies of the Mutwallee's proceedings, dated the 20th June and 8th July 1847, that the Moulvees whose names are noted in the margin, used to conduct the religious duties of the Emambarah which Moulvi Meer Mohammad now performs. The Mutwallee further states that for the last 5 or 6 years this individual has ransacted those duties as a friend of the Mutwallee, and, when the Moulvi resolved to leave the Imambarah, the Mutwallee was obliged to fix on him an allowance of 100 Rs. per mensem from December 1846. In doing so, he says he acted under the sole power bestowed on him by the orders of Government, dated the 17th April 1838, and that he cannot comprehend why, after a period of 9 years, that he has acted with the same power and charged for various purposes more than a lack of Rs. under the head of the 3^{ths} share without any objection being raised against it. such an explanation as the present has been required from him.

3rd. It appears from the tenor of the Mutwallee's Roobukaries and from our inquiries that the three Mutwaltees named by him were appointed as Arabic Teachers in the Madrassa or College then attached to the Emambarah, and not for the purpose stated by him, so that the appointment of Moulvee Meer Mohamed cannot be admitted upon that ground.

4th. We further beg to inform you that, in taking exception to the disbursement in question. our sole desire was as Local Agents to exercise due supervision over the funds committed to our charge, and we cannot, therefore, but consider in which opinion you will, we feel confident, concur that the style of the Mutwallee's Roobukaroo is uncalled for.

We have, etc.,

(Sd.) A. REID,

(Sd.) S. WANCHOPÉ,

Local Agents.

No. 11.

From

The Commissioner of the 18th or Jessore Division,

To

The Local Agents at Hooghly.

Dated Alipore, 10th September 1847.

GENTLEMEN,

I have the honour to acknowledge the receipt of your letter, dated 18th August 1847, with enclosures, as per margin.

Copies of Mutwallee's two proceedings, dated the 20th June and 8th July 1847.

2nd. In forwarding the enclosures of your letter, you have expressed no opinion as to whether you approve or disapprove of the Mutwallee's proceedings in appointing Moulvie Meer Mohamed on a salary of 100 Rs. per mensem after consideration of the Mutwallee's explanation, and, as in case of your disapproval of these proceedings only, is it necessary to represent the matter to the Sudder Board under the rule prescribed in the penultimate period of the 4th para. of the orders of Government No. 712, dated 18th April 1838. I request, after consideration of the Mutwallee's explanation, you will report whether you consider the Mutwallee's proceedings in this matter objectionable, and, if so, will state the grounds of your disapproval for reference to the Sudder Board of Revenue.

I have, etc.,

(Sd.) J. J. HARVEY,
Commissioner.

No. 25.

To

The Commissioner of the 18th Division.

Alipore.

SIR,

We have the honour to acknowledge the receipt of your letter No. 11 of the 10th instant, and to inform you in reply that we disapprove of the Mutwalli's proceedings in appointing at a monthly salary of Rs. 100 Maulvi Meer Mahomed, who receives Rs. 300 per mensem from the Education Department, and whose time is or ought to be fully occupied in the Hooghly College.

2nd. We do not object to the disbursement itself, there being funds to meet it and the Mutwalli being the best judge of its necessity or otherwise.

3rd. We further beg to state that we entirely object to the tone of the Mutwalli's roobukarry under date the 8th July 1847.

We have, etc.,

(Sd.) A. REID,
(Sd.) S. WANCHOPE,
Local Agents.

Local Agents' Office,
Hooghly,

The 18th September 1847.

SUDDER BOARD OF REVENUE.

No. 342.

To

Commissioner of Jessore.

SIR,

Having placed your letter No. 397, dated the 1st instant, with its enclosures, relative to the appointment by the Mutwalli of Maulvi Meer Mohamed for the performance of certain duties in the Hooghly Imambarah, before the Sudder Board of Revenue, I am directed to communicate in reply that the Mutwalli is competent to make the appointment. But the Board consider that the style of his proceeding is disrespectful to the Local Agents, and they request that this may be pointed out to him, with an admonition to be more careful in future of his language.

I have, etc.,

(Sd.) G. PLOWDEN,
Secretary.

The 26th October 1847.

No. 204.

BURDWAN,

The 22nd November 1858.

From

The Commissioner of Burdwan,

To

The Secretary to the Board of Revenue,

Fort William.

SIR,

I have the honour to submit herewith an application* from
Syed Keramat Ally, Mutwallee of the Hooghly
Emambarah, with copy of the Local Agent's
letter recommending that a pension equal to one-third of his salary,
which is about 700 rupees, monthly be granted to him, and his
resignation be accepted.

2. He has been to the Madrassa a servant of no ordinary talent
and zeal, and has well earned the favour he now solicits.

3. He proposes to spend the remainder of his days at Bagdad.
I strongly recommend that a pension of 250 rupees monthly payable
from the funds of the Imambarah from the $\frac{1}{4}$ th share, be granted to
him.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

No. 17.

From

The Local Agents of Hooghly,

To

The Commissioner of Revenue, for the Division of Burdwan.

Dated Hooghly, the 19th November 1858.

SIR,

We have the honour to forward herewith a Roobukaree of the
Mutwallee of the Hooghly Imambarah, dated the 17th Instant, with

enclosures, respecting his application to Government for acceptance of his resignation and prayer for pension.

2. Although there is no precedent according to which pension is allowed to the Mutwalliee from the Imambarah Fund, he has served for 22 years in the Imambarah and most assiduously endeavoured to discharge the trust imposed on him, and moreover he has all along been a most faithful servant of Government and received rewards and recommendations for his faithfulness, and we beg to recommend, subject to your approval, that application be made to Government for a pension equivalent to $\frac{1}{3}$ the sum he receives, as $\frac{1}{3}$ th share of the proceeds of the Imambarah Fund payable from the assets of the $\frac{1}{3}$ th share. His present salary is about Rs. 700 per mensem.

We have the honour, etc.,

(Sd.) W. BUCKLE,

(Sd.) H. N. BROWNE,

Local Agents..

No. 307.

To

Commissioner of Burdwan,

Dated the 1st December 1858.

With reference to your letter No. 204, dated the 22nd ultimo, submitting an application for a pension from Syed Keramut Alloe, Mutwallee of the Houghly Imambarah, I am directed by the Sudder Board of Revenue to request that you will consider and report whether grant of the pension solicited is compatible with the provisions of the deed of trust.

With your reply you will be so good as to submit a copy of the deed.

I have, etc.,

(Sd.) ILLEGIBLE.

From

The Commissioner of Burdwan,

To

The Secretary to the Board of Revenue,

L. P., Fort William.

BERBHUM,

The 10th December 1858.

SIR,

In reply to your letter of the 1st instant, No. 307, I have the honour to submit an old translation of the Deed of Trust founding the Hooghly Imambarah, and to report that in my humble opinion the grant of a pension to an old and most efficient servant of the Establishment is fully within the provisions of that Deed.

2. The whole net proceeds of the Founder's property are by that deed divided into 9 shares, of which—

Two were granted to the two Mutwallees for their own support;

Three for all expenses connected with religious observances and festivals and with the maintenance of the Imambarah and burying-ground;

Four for maintaining the amlahs or establishment and for pensions.

3. With regard to the establishment, mention is made of the persons whose names are separately written in a list signed and sealed by the Founder and again of "pensioners and others, who now stand nominated to receive allowances," according to the letter of which, on the dying out of that generation, no successor of any description could be appointed.

4. And again the charge of the Funds was bequeathed only to the two Mutwallees, Rujub Allee Khan and Shaker Allee Khan, and to any successors whom either of them might consider qualified for the duty.

5. But this matter has, after the fullest consideration, been taken into the hands of Government, and I do not myself entertain any doubt of the propriety of granting a pension to any deserving servant of the establishment, but submit to the judgment of the Board.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Commissioner.

P.S.—The return of the original enclosure is requested when no longer required.

BOARD OF REVENUE,
Dated 17th December 1858.

No. 329.

Commissioner, Burdwan.

SIR,

I am directed to acknowledge the receipt of your letter No. 230, dated the 10th instant, with enclosure herewith returned, and to communicate in reply the following observations.

2. The Board, after a careful perusal of the Towleutnamah of Mahomed Mohsin of Hooghly, are of opinion that the grant of a pension to a Mutwallee is not in accordance with the terms of the Deed of Trust.

3. The pension of course must come, if at all, out of the four shares of the nine, which are set apart for the maintenance of the Amlahs or establishment, and out of these shares the Mutwalloes may continue or may grant pensions to others, but there is nothing in the Deed which to the Board appears to contemplate the grant of a pension to the Mutwallee. During his incumbency, he has a certain share of the profits to his own use and employment, and when he finds himself incompetent to discharge the functions of the office which, it does not appear, the present applicant is, he is to appoint a successor. Had it been the intention of the Founder of the Endowment that an incapacitated Mutwallee should receive a pension, it is difficult to explain the circumstance that no mention is made of the intention in this place.

4. Upon these considerations, therefore, the Board think that it would be contrary to the deed of trust to grant the present Mutwallee a pension, and they are unable to recommend it to Government.

(Sd.) ILLEGIBLE.

The 17th December 1858.

From

G. PLOWDEN, Esq.,

Commissioner for the Division of Burdwan,

To

The Secretary to the Board of Revenue, L. P., Fort William.

BEERBHUM,

The 21st February 1863.

SIR,

I have the honour to forward in original a petition from the Mutwallee of the Hooghly Imambarah with a translation thereof transmitted to me by the Local Agents of Hooghly.

2. In this petition the Mutwallee solicits permission to expend Rs. 8,047-3-3 $\frac{1}{2}$, for the purpose of re-erecting the Imambarah at Moorely in Jessore, which he represents to be in a dilapidated condition.

3. The saving, from which the Mutwallee proposes to defray the expenditure, does not appear to be from the amount allotted by the Board in their letter No. 171 dated the 25th July 1837, to the Commissioner of the Moorshedabad Division, for the repairs and maintenance of the Moprely Imambarah, but seems to be derived from the balance between the amount sanctioned and expended for the support of the Emambarah at Hooghly between 1837 and 1859.

4. I concur in opinion with the Local Agents that savings from this latter source are properly placed in a reserve fund, and should be primarily appropriated to new works and improvements directly connected with the Hooghly Imambarah.

5. I find that this same proposition has already twice been rejected by a former Commissioner, Mr. Elliott, once on the 6th of August and again on the 29th of September 1858, on the ground that he was precluded by the Board's orders above quoted from entertaining it, and also in the belief that if a new building were sanctioned, not only would the large sum asked for be required for its erection, but a larger allowance than has hitherto been granted would be needed for its support.

6. I have, therefore, had some hesitation in entertaining this renewal of the same proposition.

7. I agree with the Local Agents that the right claimed by the Mutwallee to expend all savings from any part of the Trust for the benefit of any other part cannot be recognized; but as the Imambarah

at Moorely appears to have been very long in such a state as to need re-erection, and as the surplus proceeds in deposit to the credit of the 1/4th share of the Trust amounts to Rupees 50,000, I am disposed to concur in their recommendation that the sum required for the reconstruction of the Emambarah at Moorely, in Zillah Jessore namely, Rs. 8,047-3-3½, be specially granted from the savings in deposit; and therefore submit the matter for the orders of the Board.

I have the honour to be,

SIR,

Your most obedient servant

(Sd.) G. PLOWDEN,

Commissioner.

BOARD OF REVENUE,
The 19th March 1863.

No. 47.

Commissioner of Burdwan.

SIR,

In reply to your letter No. 440 B., dated the 21st February last, I am desired by the Board of Revenue to inform you that they authorize the Local Agents of Hooghly to disburse the sum of Rs. 8,047-3-3½ out of the savings effected from the amount allotted for the expenses of the Hooghly Emambarah for the reconstruction of the Emambarah at Moorely in Jessore.

I have, etc.,

(Sd.) ILLEGIBLE,
Secretary.

No. 84.

BOARD OF REVENUE,
Dated 6th May 1863.

Commissioner of Nuddea.

SIR,

I am desired by the Board of Revenue to request that you will send up the names of 8 or 10 Mahomedan gentlemen who need not all be residents within your jurisdiction, whom you may consider qualified to act as Trustees for Mohamed Mohsin's Endowment under section VII of Act XX of 1863.

2nd.—In sending up the names you will be good enough to state briefly the qualifications of each individual and your grounds of recommendation. It is particularly requested that your reply should be submitted with the least possible delay, as the action of Government under the Law is deferred pending the receipt of your report.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary to the Board of Revenue.

No. 16.

From

V. H. SCHALCH, Esq.,
Commissioner of the Nuddea Division,

To

The Secretary to the Board of Revenue, L. P., Fort William.

Dated Calcutta, the 8th May 1863.

SIR,

I have the honour to state in reply to your letter No. 84, of yesterday's date, that I have no personal acquaintance with any Mahomedan gentlemen whom I could recommend as qualified to act as trustees for Mohamed Mohsin's Endowment, but I will, if the Board desire, endeavour to ascertain who are considered generally fit for that appointment, though I shall not of course be able to guarantee their qualifications.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) V. H. SCHALCH,
Commissioner.

BOARD OF REVENUE,
The 13th May 1863.

No. 95.

Commissioner of Burdwan.

SIR,

I am directed by the Board of Revenue to request that you will send up the names of 8 or 10 Mahomedan gentlemen, who need not all be residents within your jurisdiction, whom you may consider qualified to act as Trustees for Mohamed Mohsin's Endowment under Section VII of Act XX of 1863.

2nd.—In sending up the names you will be good enough to state briefly the qualifications of each individual and your grounds of recommendation. It is particularly requested that your reply should be submitted with the least possible delay, as the action of Government under the Law is deferred pending the receipt of your report.

I have, etc.,

(Sd.) ILLEGIBLE,
Secretary.

No. 62.

From

GEORGE PLOWDEN, Esq.,

Commissioner for the Division of Burdwan,

To

The Secretary to the Board of Revenue, L. P.,

Fort William.

BURDWAN,

The 30th May 1863.

SIR,

In reply to the call made in your letter No. 95, dated the 13th instant, I have the honour to submit the names of the following 5 Mahomedan gentlemen, whom, on the recommendation of the Collector, Burdwan, I consider qualified to act as Trustees of Mohamed Mohsin's Endowment under Section VII of Act 20 of 1863.

2. Kazy Khoda Newaj is, the Collector states, a gentleman of very good family, and is Zemindar of Munglo Cote, in his district. He knows Arabic and Persian.

3. Mowloovie Mohamed Zasaf is a man of respectable family and is a Zamindar of Chowghorria in the same district. He knows Arabic and Persian.

4. Moonshee Sudderoodeen, Zemindar of Bohar, possesses considerable property and is a man of intelligence.

5. Moonshee Zohad Rohim, a Vakil in Court of Sessions Judge and holds high certificates from many officers.

6. Moonshee Khademally, at present Sheristadar in office of Magistrate of Burdwan, is a man of considerable acquirements and great intelligence; knows English, Bengalee and Persian.

7. Other names will follow as soon as the reply of the Collector of Hooghly, who has, likewise, been requested to send up some names is received.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) G. PLOWDEN,

Commissioner.

From

C. F. MONTRESOR, Esq.,

Offg. Commissioner for the Division of Burdwan,

To

The Secretary to the Board of Revenue, L. P.,

Fort William.

BURDWAN,

The 6th June 1863.

SIR,

In continuation of my predecessor's letter No. 62, dated the 30th ultimo, I have the honour to submit a list (received from the Collector of Hooghly) of Mahomedan gentlemen who appear to be qualified to act as Trustees for the endowments in Hooghly and Jessore.

2. The Collector was unable to consult with the Collector of Jessore, as a reply was required from him within two days.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. F. MONTRESOR,

Offg. Commissioner.

Statement of Mahomedan gentlemen apparently qualified to act as
Trustees for the Hooghly Inambarah Endowment.

1. Hajee Baba of Chinsurah, Barobazar :—A man of rank and wealth; knows his own language, Persian, and professes the Shiah religion.

2nd. Moonshee Ameer Allee, Vakil of the High Court of Calcutta; a learned man and is in high position; is a Shiah.

3rd. Agga Mirzah Serajee of Calcutta, Fauzdaree Balakhanah. A very great merchant and is in high rank; knows his own language, Persian. He is a Sheah.

4. Mullah Abul Kasem of Calcutta, Fauzdaree Balakhanah. A very learned man and highly respected and has high connections, being the son-in-law to Hajee Kurbellah, a very wealthy merchant at Calcutta. This man is a Sheah.

5. Moobaruk Alec of Chinsurah Barabazar, a teacher of the Persian language in the Hooghly College Madrasa. A man treated with respect by the Mahomedans, but has no riches. He is a Sheah.

6. Nobab Delwarjung of Calcutta, Intally, a descendent of the Nobab of Murshidabad; receives pension Rs. 500; knows English, Bengalee and Persian; a man of high family. A Sheah.

7. Syed Mohamed of Calcutta, Fauzdaree Balakhana. A respectable man; has some money in Co.'s papers; is not a dependent of any one; knows his own language, Persian, A Sheah.

8. Meer Mohammad Tukee of Calcutta, Territy Bazar. A Zamin-dar and Merchant. A man in rank and position; knows Persian. A Sheah.

9. Hakim Mirjah Hadee of Calcutta, Koolootolah; a man learned in the Unany Medical Science. He is a respectable man; knows Persian. He is a Sheah.

10. Sheikh Aleajan of Hooghly Imambazar. He is a Librarian in the Hooghly College Madrasa, and is the grandson of Rajab Alec Khan, formerly the Mutwallee of the Hooghly Imambarah, under the will of its Founder; receives pension Rs. 20 from the Imambarah. Has no money; knows Persian. He is a Sheah.

(Sd.) A. V. PALMER,
Collector.

No. 169.

CAPTAIN W. N. LEES, MOULAVY ABDOOL LUTEEF, MOONSHEE AMEER ALLY.

SIR,

The Commissioner of the Burdwan Division at the Board's request and on the recommendation of the Collectors of Hooghly and Burdwan has sent up the annexed list of Mahomedan gentlemen qualified to act as Trustees for the Hooghly Imambarah Endowment. I am desired by the Board of Revenue to request that you will favour them with your opinion as to their qualifications for the appointment.

I have, etc.,

(Sd.) R. B. CHAPMAN,
Junior Secretary.

List of Mahomedan gentlemen qualified to act as Trustees for the
Hooghly Imambarah Endowment.

1. Hajee Khoda Newaj—Zamindar in Munglecote in Burdwan.
2. Moulavy Mahomed Zasef—do. of Choughoriah in Do.
3. Moonshee Sudderoodeen—do. of Bohar in Do.
4. Moonshee Zohad Rohim—Vakil in the Court of Sessions Judge of Burdwan.
5. Moonshee Khadin Ally—Sheristadar of the Burdwan Magistrate's Court.
6. Hajee Baba of Chinsurah, Barobazar.
7. Moonshee Ameer Ally—Vakeel of the Calcutta High Court.
8. Agga Mirza Sherajee—Merchant, Fauzdaree Balakhana, Calcutta.
9. Mullah Abul Kasem—of do. do.
10. Mobaruk Allee of Chinsurah—Persian Teacher of the Hooghly College.
11. Nobab Delwarjung of Calcutta (Intally).
12. Syed Mohamed, of Faujdaree Balakhana, Calcutta.
13. Meer Mohammed Tukee, Merchant, Teritti Bazar.
14. Hakim Mirjah Hadee of Coolootolah, Calcutta.
15. Sheikh Aleejan, Librarian of The Hooghly College.

From

R. B. CHAPMAN, Esq.,

Junior Secretary to the Board of Revenue,

To

The Secretary to the Government of Bengal.

FORT WILLIAM,

The 29th June 1863.

SIR,

.. . In making arrangements for carrying into effect the provision of Act XX of 1863 (to enable the Government to divest itself of the management of religious endowments) the Board of Revenue have had under consideration the question of how the endowment known as the Syudpore trust should be dealt with.

2. The Government are aware that from this trust are derived the Revenues which support the Hooghly College; and the interests involved are so important and the circumstances so peculiar that the Board have resolved to submit the case for the orders of His Honour the Lieutenant-Governor.

3. The Trust was created by a Mahomedan gentleman named Hajee Mohammad Mohsin who, by Will (Towliatnama), dated in Bysakh 1213, corresponding with the year A.D. 1806, devised all his property consisting of Pergunna Syudpore and Soobnaul, in Zilla Jessore, with the Imambara, the Imambazar, and the market place at Hooghly, and sundry personal property, "for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of the religious rites and festivals of the faithful."

4. For the purpose of carrying into effect this Will he then proceeded to appoint two Mutwalies, whom he named, directing them "after duly discharging the public revenues of Government for the landed estates bequeathed, to divide the surplus proceeds into nine shares." "Of these, three shares were to be devoted to religious observances and festivals, etc., two were to be divided equally between the two Mutwalloes, and the remaining four were to be appropriated to the maintenance of the establishment of amlahs and the payment of certain pensions and allowances, at their discretion." "Either Mutwally finding himself incompetent to discharge the functions imposed upon him, was authorised to appoint any person whom he might consider qualified for the duty in his stead."

5. After the death of Mahomed Mohsin the two trustees named in the Will at first concealed the document and took possession of the whole property, but the existence of the Will becoming known to

the Collector of Jessore, he intervened and attached the estate under Regulation XIX of 1810, leaving the collections and the management of the trust in the hands of the two Mutwallis. The attachment was made in 1814; but two years later, in 1816, the Mutwallies were both removed for mismanagement and misappropriation of funds, and this action of the authorities in regard to them stood the test of an appeal to the Civil Courts.

6. In March 1817 the estate was brought under the immediate management and control of the Collector of Jessore, the Government assuming the position of one of the Mutwalies required by the Will, and appointing a Mahomedan gentleman to be second Mutawaly. This gentleman and his successors have had no share allowed to them in the management of the estates which have been, since 1817, exclusively in the hands of the Government. The greater part of them are permanently let in Putni, three mauzahs only being farmed.

7. In its capacity of Mutwaly the Government has never appropriated to itself the one-ninth share of the surplus proceeds of the estate provided by the founder's will for the personal use of each Trustee; but has made over this one-ninth share, which amounts to a very considerable sum, for the support of the Hooghly College. Of the other eight-ninth shares the second Mutawaly receives one for his personal support, and in conjunction with the Hooghly Local Agents superintends the expenditure of the remaining seven-ninths in accordance with the founder's will. A charitable hospital at Hooghly has been, however, perhaps irregularly supported from the funds under orders of the Board of Revenue since 1856.

8. Under the provisions of Act XX of 1863, it will now be necessary to appoint a Committee to take charge of the trust and so relieve the Government of all connection with it. The Board of Revenue will shortly submit to the Government the names of the gentlemen whom they recommend for appointment on the Committee. But they desire meanwhile to bring to the notice of the Government that, as soon as it abdicates its functions as Mutwaly, it will lose all right whatever to the one-ninth share of the profits of the estate which now goes to the support of the Hooghly College.

9. If the Lieutenant-Governor is of opinion that, with advertance to the terms of the will, translation of which is enclosed, this one ninth share can rightly be reserved in making over the trust to a Committee, it will be necessary probably to authorize by an enactment of the Legislature the setting apart of such a portion of the landed property as will produce a Revenue equal to one-ninth share of the whole for this purpose.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) R. B. CHAPMAN.

Junior Secretary.

To

R. B. CHAPMAN, Esq.,

Offg. Secretary to the Board of Revenue.

SIR,

. . . I have the honour to acknowledge the receipt of your letter No. 169, dated the 24th ultimo, and to submit my opinion as follows :—

1st.—I beg to state that as the Imambarah and the Estate are endowed by Hajee Mohsin, who was a Shea, it appears to me only right that Sheas exclusively should be selected to be Trustees of his Endowment, and that I do not see the advisability of associating any youth of the Soonee persuasion with them in the office.

2nd.—Hajee Khoda Newaj, Moulvi Mohammad Yusuff, Moonshee Sudroodeen, Zohaud Raheem and Khadim Ally being Soonees, cannot, in my opinion, be qualified to be Trustees of a Shea's endowment.

3rd.—The gentlemen with the above exception are of course Sheas, but the trustees of so very large estate as that of the endowment should be all men of position, wealth, learning and educated in the laws of the land. Of the gentlemen named in the list I consider Mirza Sherajee, Hajee Baba. Nobab Delwarjung, Meer Mohamed Tukee Jouharee to be qualified for the proposed office of Trustees though, however, they may not be learned in the laws.

4th.—In my opinion it is not expedient to appoint many persons to the Trust, but only a few well selected men.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) AMEER ALLEE.

CALCUTTA,

The 6th July 1863.

From

MOULVI ABDOOL LATEEF KHAN BAHADUR,

To

R. B. CHAPMAN, ESQUIRE,

Offg. Secretary, Board of Revenue.

Dated Calcutta, the 31st July 1863.

SIR,

I have the honour to acknowledge the receipt of your letter No. 169 of the 24th ultimo, and in compliance with the request therein contained, to state for the information of the Board of Revenue, that of the Mahomedan gentlemen, recommended by the Commissioner of Burdwan, as qualified to act as Trustees for the Hooghly Imambarah Endowment, under the Act recently passed by the Imperial Legislative Council, Kazee Khoda Newaz, Moulvie Mohamed Yousuff, Moonshee Sudroodeen, Moonshee Zohad Raheem and Moonshy Khadim Ally, belong to the Soonee sect, and as the said Endowment was left by Hajee Mohamed Mohsin, who was a Sheeh, for the purposes of a purely Sheeah Institution, it would not be just to the Sheeah Community to appoint Soonees to act as Trustees of such an Institution. The gentlemen above named are, therefore, in my opinion (although I am myself a Soonee) not qualified for the purpose.

2. The trustees of such an extensive, large and rich Endowment should, in my opinion, be men of position, wealth, character and learning, especially as the management of such a heavy trust would require in the Trustees a great deal of influence and knowledge, which can only be acquired by wealth and learning.

3. Of the rest of the gentlemen named by the Commissioner Aga Mirza Sherajee is dead. Hajee Baba Cauzranee is about to leave India for ever and retire to his native land in Persia, where he has already sent his family.

4. Meer Muhammad Tuckee Juwahiree, a landholder and resident of Zillah Purneah, is a very good and respectable gentleman and has been staying in Calcutta for some time. Should he agree to make Calcutta his permanent residence, he seems to me fully qualified for the post. And so is Moonshee Ameer Ally, a native of Barh in Patna, in case he makes Calcutta his permanent abode.

5. Molla Abul Kasem is the most learned man amongst the Sheas and a native of Persia; should he, too, agree to live permanently in Calcutta, he would make a very good trustee.

6. Nuwab Delwarjung—by which name I think, I understand, Nawab Syed Asghur Ally Khan, which is his proper designation—would

indeed be a good selection, only if he had not already had some personal connection with the affairs of the Hooghly Imambarah. His step-sister Noorronessa Begum is the widow of Wasiq Allee Khan, who, I am rightly informed, claimed the post of Mutwallee of the said Imambarah, and for many years carried on litigation with the Government against the present Motwallee on the latter's appointment to the office, which gave them a great deal of trouble. His widow, too, has, I believe, ever since his death, been a source of incessant trouble and annoyance to the present Motuwallee and the Imambarah people. Under these circumstances I am not quite sure whether the present Motuwallee would like the appointment of her relative (with whom, I believe, she is on the best of terms) to the office of Trustee during her lifetime; or whether the Government would approve of such a nomination.

7. The remaining gentlemen, though possessing great respectability, are neither possessed of wealth nor learning enough to qualify them for the charge.

8. Having so freely given my opinion on the qualifications of the gentlemen named by the Commissioner, I now beg as freely to recommend a few names, for the consideration of the Board whom, I think, to be fully qualified for the Trust.

1st, Hajee Syud Hossain Shoostree, and, 2nd, Mirza Abdool Cureem Sherazee, who are at the present moment the most wealthy and influential Persian merchants established in Calcutta. Third, Syud Ally Ahmed Khan, son of the late Nowab Hisam Jung of Chitpore, and a Government pensioner. Fourth, Hukeem Moulvi Kasim Ally, who, though a native of Delhi, has made Calcutta his permanent residence, and is just now staying with the Maharajah of Burdwan. He is a man of great learning, influence, respectability and character, and is possessed of easy circumstances. Of all the gentlemen abovenamed, he is the only other learned man, besides Moolah Abul Kasim. And I think that amongst the Trustees who will be appointed, there ought to be at least one or two men of learning. And, 5th, Aga Mohamed Hossain Chululpee, son-in-law of the late Aga Mohamed Kurbullae (Turkish Consul at Calcutta) and the executor of his property and manager of his Imambarah situated in Calcutta.

9. For such a heavy property as the Endowment under notice, I don't think a lesser number than 4 persons should be appointed as Trustees.

10. In conclusion, I beg to apologize for the freedom of my remarks.

I have the honour to be,

SIR,

Your most obedient servant.

(Sd.) ABDOL LATEEF.

From

CAPTAIN W. N. LEES, LL.D.,

To

R. B. CHAPMAN, Esq.,

Junior Secretary to the Board of Revenue.

Dated Fort William, the 5th August 1863.

SIR,

I must apologize for having allowed your letter No. 169, dated the 24th June last, to remain so long unanswered. It got mixed up with some of my private papers, Mss., etc., and I only succeeded in laying my hand on it yesterday.

2. Of the gentlemen mentioned in the Board's letter, those only with whom I am personally acquainted are Moonshi Ameer Ali and Molla Abol Kasem. Both are Shias and persons of great respectability, well fitted, I should think, to represent a trust. Aga Mirza Shiraze I knew; but he departed this life about a month ago.

3. The other native gentlemen mentioned, however, are all well spoken of especially the following :—

- (1) Haji Khoda Newaz.
- (2) Moulvi Mohamed Yoosoof.
- (3) Haji Baba Gazurani.
- (4) Nawab Delawar Jung.
- (5) Sayid Mohammad.
- (6) Meer Mohammad Tuqi.

4. The first two mentioned are Soonnis, while the endowment is founded on the bequest of a Shiah; and although there is no legal objection that I am aware of to a Sooni being trustee for waqf property bequeathed by a Sheeah and *vice versa*, it is contrary to general practice. Cases have happened, however, in which the practice has not been observed. The question has doubtless been considered by the Board.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) W. N. LEES,

Visitor and Director, Hooghly Madrasah.

No. 308.

From

R. B. CHAPMAN, Esq.,

Offg. Secretary to the Board of Revenue,

To

The Secretary to the Government of Bengal.

Dated the 20th August 1863.

SIR,

In continuation of paragraph 8 of my letter No. 194, dated the 29th June last, I am desired by the Board of Revenue to submit the following list of the Mahomedan gentlemen of the Sheah Sect, whom they consider to be qualified to act as trustees of the Syedpore Trust Estate.

- (1) Moonshee Ameer Ali.
- (2) Mulla Abul Kasim.
- (3) Mir Mahomed Taki Jowharee.
- (4) Haji Sayad Hussen Shoostree.
- (5) Syad Ali Ahmed Khan.
- (6) Hakim Moulavy Kasim Ali.

2. In selecting these gentlemen, the Board have taken pains to consult those whom they deemed best qualified to advise them, and they believe that, if the gentlemen named are willing to undertake the trust, that the Mahomedan community generally will be satisfied.

From

C. P. HOBBHOUSE, Esq.,

Superintendent and Remembrancer of Legal Affairs.

To

The Secretary to the Government of Bengal.

Dated the 19th September 1863.

SIR,

In obedience to the orders contained in your office letter No. 2786, dated 10th July last. I have the honour to express my opinion on the question brought forward in the enclosed communication of the Board of Revenue. No. 194, 29th June 1863, that question being "how the endowment known as the Syedpore Trust should be dealt with" under the provisions of Act XX, 1863.

2. From the papers before me and by references to a decision of the late Sudder Dewanny Adawlut, 22nd September 1836, to correspondences of various dates from the year 1815, up to the present time of the Board of Revenue, the Supreme Government, the Collectors of Hooghly, Jessore and Burdwan and certain Local Agents, and to a Book, Review of Public Instruction, Part II, published by Mr. Kerr, then Principal of the Hooghly College, I gather that the Trust in question was formed in this wise.

3. In a Tauliyatnamah, of date 1213 B. S., 1806 A. D., one Mohamed Mohsin devised certain landed estates in Jessore and Hooghly "for pious uses" which he further defined to be "for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of the religious rites and festivals of the faithful, as observed in his family in all their generations," and he directed that, after discharge of the Government Revenue, the proceeds of the Estates devised should be distributed and paid away in nine shares in the manner following:—

Three shares to expenses of the religious observances of the Prophet, of the Mohurram, and other festivals, and of the repairs of the Imambarah and Burial ground at Hooghly.

Two shares to two Mutwallis or Trustees in equal moieties for their own use and enjoyment.

Four shares for the maintaining of (Imambarra) Establishments and of the persons named in a list accompanying the Deed, and for the dispensing of pensions and allowances to certain daily pensioners and others named, to be continued or discontinued at the discretion of the Mutwallis for the time being.

4. In 1817 the Government appointed itself to be one of the Mutwallis contemplated by the Trust, and as such, took and has ever

since retained under its management and control, all the proceeds of the Trust property.

5. The whole annual income from the time when it came under Government management, would seem to have been and to be Rs. 1,65,000; the Government Revenue is Rs. 96,000 and deducting the latter from the former, there remained a sum of Rs. 69,000 for appropriation annually to the Trust purposes described in my 3rd paragraph.

6. It is obvious that in a Trust containing conditions such as are described above, difficulties would, at once, be experienced in the distribution of the four-ninths shares mentioned at the conclusion of my 3rd paragraph, for the yearly proceeds of these shares were to be given to certain daily Pensioners and others named in a List which accompanied the Trust deed; the gifts might be continued or discontinued at the will of the Trustees, and no provision was made for a continuance of distribution after the deaths of any of the original Legatees.

7. Accordingly I find from an abstract I have made of the accounts of the fund from the year 1230 to the present time, and which will be found at foot of a statement A, furnished to me by the Local Agents at Hooghly that, whilst the two Mutwallis' two-ninths and the religious buildings' three-ninths shares have been as strictly appropriated throughout as could be reasonably expected, the establishment and Pensioners' four-ninths shares have not received more than one-half of what was bequeathed from them, the rest having been I have reason to believe, given to a school, a hospital and other such purposes.

8. It remains, however, that so far as concerns the proceeds of the Trust Estate that were in the mind of the Testator, when he created the Trust, they have been appropriated as far as could be reasonably expected in accordance with the letter of the Trust Deed.

9. I return to the history of the Trust and I find that in the year 1835 the whole subject of it was discussed by the Governor-General in Council, and he passed a Resolution in which two points were determined; first, the future distribution of the net income of the Trust property; and, secondly, the appropriation and assignment of certain balances in hand.

10. On the first point the Governor General in Council resolved that the net income of the Trust property should thereafter be distributed as follows:—

1 share to the co-Mutawalli.

3 shares to pious purposes.

4 shares to pensions, establishments, etc.

1 share to "general purposes of a beneficent nature."

9 shares in all.

11. If you refer back to my 3rd paragraph you will find that this distribution is in exact accordance with the provisions of the Trust

except as regards the last share mentioned, but this last share again represents the $\frac{1}{9}$ th share to which Government was entitled in its capacity as Co-Mutawalli (see paragraph 4 above) of which, as such Co-Mutawalli, Government had the absolute disposal, and which, therefore, Government had a perfect right to devote to "general beneficent purposes" and in fact to any purposes it chose.

12. Although this Resolution of Government was passed in 1835, yet it would seem not to have come into operation till 1839-40, and from the following account I find that the general beneficent purpose to which the one-ninth share was appropriated, was the support of the Hooghly College.

13. The following is the account: I have said that Rs. 69,000 was the net annual income of the Trust. I find, as matters of fact, that net income fluctuated from Rs. 65,000 to Rs. 70,000 a year, and that the sum appropriated annually to the Hooghly College from 1839 to the present day amounted to an average yearly sum of Rs. 7,710 representing a $\frac{1}{9}$ th share of an income of Rs. 69,390, and I deduce from these facts, the conclusion that only the $\frac{1}{9}$ th share of the income of the Trust Estate has been at any time appropriated to the Hooghly College.

14. On the second point of the Resolution mentioned in my 9th paragraph the Governor General in Council determined that the balances of the Trust property in hand should be constituted a "Trust Fund," the interest of which should be appropriated "to the purposes of Education by the formation of a Collegiate Institution for imparting instruction of all kinds in the higher Departments of Education," "subject to the condition of adhering as closely as possible to the wishes of the Testator on points on which they had been declared."

15. The accompanying rough account G explains with sufficient distinctness the constitution of these balances, and it will be seen that the foundation of them was a sum of nearly six lacks, which was remitted to the General Treasury, Calcutta, in 1823 or thereabouts, was invested in Company's paper, stood for some time to the credit of the Sydepore Trust Estate, was transferred in 1842 to the credit of the President of the Council of Education, and is now represented by Company's paper to the value of Rs. 10,35,000, the interest of which has gone mainly year by year to the support of the Hooghly College, but has of late been allowed to accumulate and to be reinvested. The original sum of six lacks was the proceeds of the sale of 158 of the Putnee talooks into which the Sydepore Estate was split up on or about the year 1821.

16. I am not certain that all the facts I have stated above are strictly accurate but essentially, I believe, they are so, and the result is that out of the proceeds of the Sydepore Trust Estate, the Hooghly College has derived two sources of income:—

First, a $\frac{1}{9}$ th share of the net annual income of the Sydepore Trust Estate, representing a yearly income to the College of Rs. 7,710 or thereabouts.

Secondly, the principal and interest of Company's papers to the value of Rs. 10,35,000, and with reference to these two sources of income, I understand that my opinion is asked as to whether or not both or either of them must be made over to a Committee of the Syedpore Trust Estate to be appointed under Act XX, 1863, or may be reserved for the benefit of the Hooghly College under the provisions of Section 21 of the above Act.

17. The object of Act XX, 1863, is to repeal so much of Regulation X, 1819, as relates to endowments for the support of Mosques or other religious purposes, and thereby to relieve the Board of Revenue of the duties of superintending—

- 1st. Lands granted for the support of Mosques or for other religious uses.
- 2nd. The appropriation of endowments made for the maintenance of religious establishments.
- 3rd. The repair and preservation of religious buildings.
- 4th. The appointment of Trustees or Managers.
- 5th. Generally of any duties connected with such religious establishments.

18. The Sections of the Act particularly applying to the Trust before us are Sections 7, 12 and 21, and by these Sections the Board of Revenue or Local Agent, immediately on the appointment of the Committee under Section 7 is bound to transfer to such Committee "all landed or other property which, at the time of appointment, shall be under the superintendence or in the possession of the said Board or Local Agent, except (Section 21) in any case in which the endowment made for the support of an establishment is appropriated partly to religious and partly to secular uses", in which case the Board has power to withhold some portion of or to make an annual charge on the property about to be transferred in order to the application of such portion or such charge to "secular uses."

19. To apply this to the first source of income mentioned in paragraph 14, the yearly sum of Rs. 7,710. There is no doubt that this represents a part of "an endowment made for the support of an establishment", viz., for the support of one out of two Mutwallis, and "is (as a matter of fact) appropriated to secular uses"; but it is appropriated not because the Trust so wills it, but because Government constituted itself a Mutwalli, because as such Mutwalli, Government drew the above sum "for its own use and enjoyment", and because the use the Government chose to make of it was to appropriate it to a secular purpose.

20. By the new Act, however, Government must cease to be a Mutwalli (i.e., a person appointed to the care and management of a religious building or endowment, Wilson's Glossary, page 359) and the income which Government derived as Mutwalli must pass with the office itself to some other Mutwalli to be appointed under the Trust and cannot, therefore, in my judgment, be reserved for the benefit of the Hooghly College under Section 21 of the Act.

21. Then as to the second source of income mentioned in paragraph 14, the principal and interest on Company's paper to the value of Rs. 10,35,000. There is no doubt, I think, but that the Syedpore Estate was bequeathed for religious uses only, and that the sum above-mentioned was derived from the above Estate principally from the sale of the Putnees created on the Estate; but there is also no doubt, first, that the Testator never contemplated that there would be such a sum as this, disposable under the Trust (for the Putnees were created long after his death); and, secondly, that all such proceeds as were contemplated by the Testator have been from first to last appropriated in accordance with the letter at least of the Trust.

22. The money now treated of was a something over for which the Testator had made no provision, because he had not contemplated it; and though it may be considered a mistake that the Government of the day in 1835 should have appropriated this money to secular rather than to religious uses, and these secular uses such as the Testator could not, in my judgment, be held to have contemplated, yet the act of appropriation was certainly disinterested and the object a good one, and I do not think that any court of equity would now consent to interfere with such an act; and when that property, which the Testator had in contemplation when he created the endowment, has been all along appropriated in accordance with the letter of the Trust as far as was possible, and is made over not only intact, but in a much more flourishing state than when it was first created, I do not think any action would lie against Government for the recovery of the founded property now under discussion; at the same time, however, I am bound to point out that, under Section 12, Act XX, 1863, the Board of Revenue or the Local Agent as Trustee, are expressly liable for acts done previous to transfer.

23. As regards, then, this sum of Rs. 10,35,000, I am of opinion that it may be retained for the purpose to which it is now appropriated, but no special reservation of it would seem necessary under the provisions of Section 21 of the Act, as it is not and has not been for some years under the superintendence or in possession of the Board of Revenue or Local Agent within the meaning of Section 12 of the Act.

24. In order to a better understanding of the case as I look upon it, I beg to submit the following documents for the consideration of His Honour the Lieutenant-Governor, viz., Statements and Papers marked A, B, C, D, E, F, and Kerr's Review of Public Instruction (see page 95) and request their return when no longer needed.

From

C. P. HOBHOUSE, Esq.,

Superintendent and Remembrancer of Legal Affairs,

To

The Secretary to the Government of Bengal.

Dated the 15th October 1863.

SIR,

In continuation of my letter No. 1816, of the 19th ultimo, I have the honour to mention, for the information of His Honor the Lieutenant-Governor that since writing the above letter, I have had access to the Government orders of 1835, referred to in my paragraph 9, of which I had then only seen extracts in Kerr's Book, and that I have thence learnt certain additional facts which have caused me to alter, very materially, the opinion given in the case of the Syedpore Trust.

2. I remarked in my last letter that the weak point in the Syedpore Trust Deed was that point of it which gave the Trustees for the time being full power to discontinue the pensions and allowances payable out of $\frac{1}{3}$ ths of the proceeds of the Trust Estates, and made no provision for a continuation of the said pensions and allowances, when for any cause they should cease to be payable to the original pensioners.

3. I noted in my former letter that the Government was duly constituted a Trustee under Regulation XIX, 1810, and I now learn that in 1835 the Government as such Trustee exercised the power of discontinuing all the pensions that had lapsed, i.e., it did not revive them in any new pensions but otherwise appropriated them.

4. I was not aware of this fact before, but was under the impression that all that the Government had appropriated in 1835, and thence forward, were the one Co-Mutwalli's share of one-ninth and the proceeds of the sale of the Putnees.

5. This fact makes a material difference, for it is quite clear that Government, standing in the place of the original Trustees, had the power under the Deed to discontinue the pensions, and inasmuch as the Deed made no provision for the appropriation of that which was discontinued, the Government had the further power of appropriating the pensions discontinued as it thought fit, "subject," as the Government itself puts it, "to the condition of adhering as closely as possible to the wishes of the Testator in points on which they had been declared."

6. Now the wishes of the Testator had not been declared on the point of the disposal of the pensions which the Trustees had the power to discontinue, and therefore, I hold that such pensions as have been disposed of by Government while acting as Trustees may, in accordance with the opinion given in my 22nd paragraph, be now retained.

7. But there are two other facts which have now come to my knowledge also for the first time, and they are these, that the Government has never acted as a Co-Mutawalli, but simply in the place of the two Mutawallis appointed under the Trust Deed, and that the Mutwalli appointed by Government is simply their Agent or Manager to whom they have given a one-ninth share of the proceeds of the Estate, not as his right under the Trust Deed but as a salary suitable to his duties, his position, and his responsibilities.

8. Whether or not the appointment of this one Mutwalli or Agent, in the place of two such persons for whom the Trust Deed made provision, was in accordance with the Trust is not now questionable, for the decision of the Sudder Dewanny Adawlut of 22nd September 1836, ruled that it was and the facts remain that at this moment the Trust is managed legally in this way, viz., by Government, through the Board of Revenue and its Local Agent, and by a Manager, called a Mutwalli, in subordination to that Agent, on a salary fixed at one-ninth of the net proceeds of the Trust Estate.

9. This brings the Trust under the provisions of Section 3, Act XX, 1863, and the change that has now to be made under Section 8 is this. A committee has to take the place and to exercise the powers of the Board of Revenue and the Local Agent, and has to perform all the duties imposed on such Board and Agent, subject to the special provisions of Section 21.

10. What the Board and Agent has done hitherto, the Committee will have to do hereafter, and what is that? To employ a Mutwalli or Manager on a salary of one-ninth the net proceeds of the Estate to superintend religious observances, to spend three-ninths of the net proceeds on these observances, on the burial ground, and on the Imambarah; to spend a part of the four-ninths, (on) establishments, pensions and in one or two other modes not yet clearly ascertained, and to spend the balance of these four-ninths and another one-ninth on the Hooghly College, and generally on education.

11. This is what the Board and the Agent seem to have been doing and what the Committee would, *prima facie*, have to do except for the provisions of Section 21 of the Act, and the question is, can any action be taken under that section to set apart any and what portion of the endowed property for secular purposes.

12. I think still that the endowment was for religious purposes only. I observe that it was so claimed by Government in the suit of October 1825, but there is no doubt that since the year 1817, the Government has been in the place of Trustees of the endowment and has so far deviated under the sanction of the Courts, from the original

Trust, that it has allotted only one-ninth instead of two-ninths of the net proceeds of the Estate to the use of one instead of two Mut-wallis.

13. Thus one-ninth became legally at the disposal of Government. Then a part of four-ninths also became at its disposal legally by lapse of pensions, and the sum of these shares the Government appropriated to secular uses, and so I think there has been *de facto* and *de jure*, an appropriation of this endowment "partly to religious and partly to secular uses" within the meaning of Section 21, and it follows that the Board of Revenue in making over the Trust to the Committee are at liberty to retain so much of the endowment of it as has hitherto been appropriated by the Board to secular uses.

No. 4036.

From

F. R. COCKERELL, Esq.,

Offg. Secretary to the Government of Bengal,

To

The Secretary to the Board of Revenue.

Bhaugulpore, the 30th October 1863.

SIR,

The Lieutenant-Governor having had under his consideration your letters noted on the margin, regarding the disposal of the Syedpore Trust under the provisions of Act XX of 1863, as well as a report on the subject from the Superintendent and Remembrancer of Legal Affairs, a copy of which and of its enclosures, is herewith forwarded; has desired me to communicate to you the following observations and orders for the information and guidance of the Board of Revenue.

2. The Lieutenant-Governor is of opinion that the case of the Syedpore Trust is one which clearly comes within the scope and provisions of Section 21 of Act XX of 1863, and must be dealt with accordingly.

3. Neither in its express provisions nor in the etymological meaning or ordinary acceptation of the words is the Tauleatnamah or Deed of Trusteeship restricted to religious purposes, nor are the functions of the Mutwallis confined to the superintendence or Trusteeship of a religious endowment. A Tauliyatnamah is a Deed of Trusteeship and a Mutwalli is a Trustee, in the most general sense of the words; and though the word "Mutwalli" is ordinarily used to mean the Trustee of a religious or of charitable endowment, or of one partaking of both characters, it is certain that in this latter case, the duties of a Mutwalli may be quite as much of a secular as of a religious character. It does not, therefore, seem to His Honour that any sound argument in favour of the exclusively religious character of the endowment can be based on the fact that the Deed by which this Trust was constituted is called a Tauliyatnamah, or that the Trustees named in the Deed are called Mutwallis.

4. As to the express provisions of the Deed, the Testator declares in the first instance that he has bequeathed his property for pious uses (the word "pious", bearing a much more comprehensive meaning than the word "religious", as used in the Act); and then he goes on to say that because he has no children or relations to succeed as his legal or lineal heirs for the purpose of preserving entire the

customary usages and charges of the pious works and ceremonies, belonging to the celebration of the religious rites and festivals of the faithful, which had always been observed in his family, and which he proposed to continue; therefore, he has bequeathed the property for the sake of God, to be disposed of as thereafter directed, and for that purpose has appointed two persons to be Mutwallis, and has made over the property to them in order that, with each other's assistance and co-operation, they may perform the business entrusted to them according to certain directions. And then follow the specific directions of the Trust.

5. The Mutawallis, after paying the Government Revenue, were to divide the surplus into nine shares; they were first to appropriate three shares to the expenses of the religious observances for the Prophet and his descendants, for the other appointed festivals, and for the repairs of the Imambara and burying ground; they were then to appropriate two shares to themselves in equal shares for their own use, and four shares for maintaining the Amlah and Establishment, and the persons whose names were written in a separate list; and, in disposing of the pensions and allowances to those nominated to receive them, they (the Mutawallis) were to exercise their discretion and authority either to continue or discontinue them as they might think proper. Lastly, in the event of either Mutwalli finding himself incompetent to discharge his duties, he was authorized to appoint any person whom he might consider qualified for the duty in his stead.

6. It is quite clear from this that, under the Trust Deed, only three-ninths of the surplus was bequeathed for exclusively religious uses; that four-ninths was chiefly, if not entirely, for secular uses; and that the remaining two-ninths was partly for religious and partly for secular uses. Moreover, as observed by the Government in 1835, the Mutwallis were vested with an absolute power of determining upon the appropriation of the funds under the Trust Deed or Will, and had full authority to sanction or resume, at any rate within the limits of the four-ninths, this implying that they were to stand entirely in the place of the Testator in all doubtful or unspecified cases.

7. The Government in time succeeded to the full authority and powers assigned by Hadjee Mohamed Mohsin to the two Mutwallis, and appointed an Agent to administer the affairs of the Endowment. The representatives of the original Mutwallis disputed the right of Government to interfere and during the litigation that ensued a large accumulation of funds, took place, and was duly invested. In 1835 the position of the Government having been affirmed by a judicial decree, it deemed itself fully empowered to determine upon the appropriation of the funds subject, of course, to the condition of adhering as closely as possible to the wishes of the Testator in points on which they have been declared. Accordingly three-ninths of the income was assigned for the current expenses of the Imambarah; one-ninth was assigned to the Agent or Mutawalli appointed by Govern-

ment; and one-ninth was retained by the Government to be applied to purposes of a beneficent nature. It will be observed that it is the Government that stands in the place of the two Mutawallis appointed under the Trust Deed, appropriating to itself the two-ninths set apart by the Testator for the use of the Mutawallis; and that the person who is called Mutawalli is not one of the Mutawallis appointed under the Trust Deed, but simply an Agent or Mutawalli appointed and paid by the Government.

8. The other four-ninths of the income appropriated by the Testator to Pensions and Establishment was to remain burdened with those charges, and as the Pensions lapsed, they were to be added to the general fund and devoted to general purposes.

9. Accordingly it was declared that in pursuance of these principles there remained at the disposal of Government for general purposes of a beneficent nature :—

1st.—One-ninth of the annual income from Zemindaree.

2nd.—The lapsed pensions, etc.

3rd.—The entire amount arising from the interest on the accumulated fund. And the Government directed that after setting apart from this last mentioned fund such amount as might be necessary to provide appropriate buildings, including the charge of rebuilding or repairing the Imambarah and other religious edifices, if it should be necessary to renew these, the whole of the remainder should be considered as a Trust Fund, the interest of which with the other items might be appropriated to the purposes of education.

10. This, in all essential particulars, represents the existing relation of Government to the Trust property and to the religious Endowment maintained out of a portion of the income derived from that property. And there is no necessity for disturbing this relation further than is absolutely required by the provisions of Act XX of 1863.

11. The religious Establishment maintained out of a portion of the Trust property is one whereof the Superintendent is nominated by the Government. Special provision must, therefore, be made for it under Sections 3 and 7 of the Act. A Committee must be appointed to take the place and exercise the powers of the Board of Revenue and of the Local Agents, and when appointed, will perform all the duties of the Board and the Agents except in respect of property specially provided for under Section 21 of the Act.

12. Under Section 21 the Board is to determine what portion of the land or other property belonging to the Trust is to remain under its own superintendence for application to secular uses, and what portion shall be transferred to the Committee. The Lieutenant-Governor is of opinion that the Board should make over to the Committee only the Imambarah at Hooghly, and the Garden, Bazar, and other grounds.

adjoining it, and should keep the Syedpore Estate in its own hands paying periodically to the Committee three-ninths of the income, for the expenses of the religious observances for the Prophet and his decedants, for the other appointed festivals, and for the repairs of the Imambarah and the burying ground; one-ninth for the use of the Agent or Superintendent; and so much of four-ninth as may properly be devoted to the payment of establishments connected with the Imambarah.

13. On this point I am to remark that there is a want of information in the papers submitted to the Government. The Board should carefully revise the existing list of Establishments and Pensioners, distinguishing between such as properly belong to the Imambarah, and such as, being of a purely charitable or secular nature, may continue to be paid by the Local Agents. The amount annually payable on the former account being once fixed may be considered as a permanent annual charge on the Trust Funds payable every year to the Committee in addition to three-ninths and one-ninth of the net income of the Syedpore Estate referred to in the preceding paragraph. When this amount is fixed, and the Board are prepared to make over the property in due form to the Committee, the Members will be, at once, appointed.

14. The Board are also requested to investigate the accounts of the Collector of Jessore and the Local Agents, and to prepare a schedule of the local demands on the remainder of the four-ninths of the income of the Syedpore Estate after discharging the Government Revenue. All moneys accruing annually in excess of these demands, together with the one-ninth payable to Government as Trustee, and any balance now in the Collector's hands, should be remitted to the Deputy Accountant, in order that they may be added to the general fund and invested in Government Securities.

15. His Honour has no doubt that the Government was perfectly justified in devoting, as it did in 1835, the accumulated fund to general purposes of beneficence, and that neither the Agent (Mutawalli) nor any one else has a claim to any part of it.

16. The mode in which the general fund shall be dealt with hereafter, the Lieutenant-Governor proposes to consider in connection with the recent Reports that have been made on the College of Mohamed Mohsin at Hooghly.

17. I am to add that it will be necessary, in making over the Endowment to the Committee, to recite in distinct terms the position of the Government relatively to the Endowment and the footing on which it is made over to them. Care must be taken to avoid the serious errors into which the Board and the Legal Remembrancer appear to have fallen in supposing, first, that Hadjee Mohamed Mohsin bequeathed his property to Trustees only for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of the religious rites and festivals of the faithful; and, second, that the Government in 1817.

after the removal of the Mutwallis, assumed the position of only one of them. and pointed a Mahomedan gentleman to be second Mutawalli.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd). F. R. COCKERELL,

Offg. Secretary to the Government of Bengal.

No. 4037.

Copy of the above letter forwarded for the information of the Superintendent and Remembrancer of Legal Affairs, with reference to his letter No. 1816, dated the 19th ultimo.

(Sd). F. R. COCKERELL,

Offg. Secretary to the Government of Bengal.

FORT WILLIAM,

The 30th October 1863.

BOARD OF REVENUE.

Dated the 3rd January 1870.

No. 1A.

TO MOULVEE ABDOL, LUTEEF KHAN BAHADOOR.

SIR,

Referring to your letter of the 31st July 1863, I am directed to inform you that on your recommendation Hadjee Syed Hossen Shoostree and Hakim Moulvi Kasaim Ali were asked by the Board in October last to act as Trustee under Act 20 of 1863, to the Syedpore Trust Estate, but no reply has yet been received, though two reminders have been forwarded through you to them. I am accordingly to request that you will be good enough to furnish this office with the address of these gentlemen so as to enable the Board to communicate direct with them on the subject.

I have, etc.,

(Sd). ILLEGIBLE,

Secretary.

To

T. B. LANE, Esq.,

Offg. Secretary to the Board of Revenue, Calcutta,

Agra, the 26th January 1870.

SIR,

In reply to your letter No. 1A of the 3rd instant which has followed me here, I have the honour to state for your information that of the two gentlemen named by you, one Hajee Syed Hossain Shoostree has died, and the other Hukeem Moulve Kassim Ali, is in the employ of the Maharaja of Burdwan and resides at Burdwan. The letters received by me to the address of those gentlemen were forwarded by me to the Hukeem at Burdwan and to the son of the deceased Hajee at Calcutta.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd). ABDOOL LUTEEF, KHAN BAHADUR.

BOARD OF REVENUE,
Dated the 9th February 1870.

No. 20 A.

HAKEEM MOULVEE KASEEM ALI,
Burdwan.

SIR,

Referring to this office No. 4196 A of 27th October last, forwarded to you by Moulvee Abdool Luteef, Khan Bahadur, I am directed by the Board to request that you will be good enough to let them know on an early date whether you will act as one of the Committee of Trustees to the Syedpore Trust Estate.

I have, etc.,

(Sd.) ILLEGIBLE,

Offg. Secretary.

TRANSLATION.

To

The Board of Revenue.

My compliments to you—beg to state that I am very much honoured with your letter and I wrote a reply to it which I hope you have received. I also send you this note to say that unless I know where is Syedpore and other particulars regarding it, I cannot give an answer to your letter, besides I have very little time to spare for the present, employed as I am as a Hakim. However, when I know all the particulars from you I shall write a reply. In the meantime I anxiously wait for the required particulars.

The end 25th February 1870.

(Sd.) KASSIM ALLY,
Hakim.

BOARD OF REVENUE,
Dated the 7th March 1870.

No. 32 A.

To

MOULVEE KASSIM ALLY.

SIR,

With reference to your letter dated the 25th ultimo, I am directed to forward herewith for your perusal a memo. containing the information asked for regarding the Syedpore Trust Estate.

I have, etc.,

(Sd.) ILLEGIBLE,

Secretary.

TALIYATNAMA.

Under a Taliyatnama executed by Hajee Mohamed Mohsin the income derivable from an Estate known as the Syedpore Estate in Zillah Jessore, under a judicial decree was affirmed by the Government in 1835, and in accordance with the Trust, the Board were directed to transfer to a Committee of Mahomedan gentlemen the Imambarah at Hooghly and the garden, bazar and other grounds adjoining it, paying periodically to the Committee three-ninths of the net proceeds of the Syedpore Estate for expenses on account of religious observances, one-ninth for the use of the Agent or Superintendent and so much of four-ninths (which has been estimated at Rs. 707-10-8 per mensem) as may properly be devoted to the payment of Establishment connected with the Imambarah.

Moonshee Ameer Alli has already consented to act as one of the Committee of Trustees.

To

M. D. MANGLES, Esq.,

Officiating Secretary to the Board of Revenue, L. P.

SIR,

I have the honour to reply to your letter No. 32 A., dated the 7th March, and in accordance to the requisition contained therein I will have no objection in accepting the Honour which may be conferred on me "as being one of the Committees to the Syedpore Estate" as proposed.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) HAKIM MOULVEE KASSIM ALI.

CALCUTTA,

The 19th April 1870

BOARD OF REVENUE ;
Dated 20th April 1870. .

No. 66 A.

To

MOULVI ABDOL LATEEF, Khan Bahadur.

SIR,

With reference to your letter dated the 26th January last, I am directed to inform you that out of the six *gentlemen who were nominated by the Board on the recommendation contained in your letter of the 31st July 1863, for appointment by Government as members of the Committee for the Syedpore Trust, the services of only two, viz. Moonshee Ameer Ali and Hakim Moulvi Kasim Ali, are available. As, however, Act XX of 1863 require such committee appointed under its provisions to be composed of at least 3 members, I am directed to request that you will be so good as to suggest some Mahomedan gentlemen of the Shia sect to be the third member.

2. As the wishes of any gentleman you may recommend would have to be consulted, it would perhaps be as well, if you mentioned two or three names, so that if the first selected refused to act, a reference could be made to any of the others. You are also requested to be so good as to state in sending up the names in what order the offers of appointment should, in your opinion, be made.

An early reply is requested.

I have, etc.,

(Sd.) ILLEGIBLE.

Offg. Secretary.

From

C. T. BUCKLAND, Esq.,

Commissioner of the Burdwan Division,

To

The Secretary to the Board of Revenue.

The 3rd May 1870.

SIR,

I have the honour to submit for the information of the Board of Revenue a report regarding the repairs of the Hooghly Imambarah, which have been executed at a cost of 10,000 Rupees under the following circumstances.

2. On the 21st October 1868, the Local Agents of Hooghly brought to the notice of this office the wretched state of disrepairs into which the Emambarah had been allowed to fall, as no repairs had been attempted since its erection about 20 years ago. The plastering had crumbled from the walls, the cornices in many places were broken, and the painting had become dim and defaced. The roofs of several rooms were injured and the foundation of one corner had given way. They also stated that the Mutwallee had informed them that the Lieutenant-Governor of Bengal on the occasion of his late visit to Hooghly had expressed his surprise that the Emambarah had been allowed to fall into its present condition. The Local Agents subsequently submitted an estimate for Rs. 41,307-4 (forty-one thousand three hundred and seven rupees four annas) for the cost of the repairs, the estimate having been prepared by Messrs. Burn & Co., at the request of the Mutwallee. They applied for the services of the Executive Engineer for the purpose of checking this estimate and they recommended that the firm of Messrs. Burn & Co., should be engaged for the work, if on enquiry by the Executive Engineer, it was found that their estimate was reasonable.

3. The Commissioner, Mr. Cockerell, requested the Superintending Engineer of the Western Circle to depute the Executive Engineer to undertake the examination of the estimate prepared by Messrs. Burn & Co., but that officer (Captain Limond, R.E.) desired to have the estimate sent to him, and it was sent to him on the 27th November 1868.

4. The Superintending Engineer after inspecting the Emambarah in the company of an Agent of Messrs. Burn & Co., reported that the greater part of the work provided for in their estimate was not only unnecessary but undesirable in point of taste, and the repairs could be performed by a Mistree of ordinary intelligence. He was of opinion that all the unsound plaster should be removed so that the surface repair could be accurately measured; and the work executed either by daily labor or petty contract as preferred. All unsound beams should of course be removed, and the doors and wood work might be repainted. He offered no suggestion as to the probable cost of this work, but on the receipt of his reply the Local Agents were requested to invite

other tenders or to call on Messrs. Burn & Co. to revise their estimate, but nothing further came of this.

5. Subsequently on the 11th January 1870 the Local Agents of Hooghly submitted a Roobukaree from the Mutwallee of the Emambarah praying that an allotment of Rs. 10,000 might be made to him from the surplus at credit of the 3rd share of the Endowment Fund for the repair of the building. But as no estimates of the proposed expenditure had been furnished by the Mutwallee they desired to be informed before calling on him to give estimates whether sanction to the disbursement of the above sum could be obtained from the 3rd share. They also reported that the Emambarah building did certainly require a thorough repair, and they recommended that the work should be carried out under the supervision of the Mutwallee who had shown much taste in the original decoration of the building.

6. Some correspondence ensued with the Local Agents as to the amount actually available at the credit of the 3rd and 4th shares respectively; and as the repairs had been begun and carried on to a considerable extent by the Mutwallee in anticipation of sanction, an attempt was made to obtain a detailed estimate from him of the total cost. I also desired the Local Agents to inspect and report upon the work done by the Mutwallee, although I may remark that I knew from personal observation and from conversation with the Mutwallee that it was being done well and economically.

7. On the 24th March the Local Agents reported that after inspecting the work which had been executed, and calculating what remained to be executed as well as on examining the accounts furnished by the Mutwallee, they considered that the sum of Rs. 10,000 as before estimated by the Mutwallee was actually required for the completion of the repairs and they submitted an account for Rs. 6,433-9-10 already expended by the Mutwallee in executing the repairs of the buildings.

8. Under these circumstances I authorized the Local Agents, pending the ultimate decision of the general question of the management of the Imambarah endowment (*vide* this office No. 6 of the 6th April 1869) to pay Rs. 10,000 to the Mutwallee from the savings of the 3rd share, which is liable for the cost of repairs of the Emambarah as noticed in paragraph 5 of the Government orders 4036 of 30th October 1863 to the Board, and I beg now to report my proceedings in the hope that they will meet with the approval of the Board of Revenue as the repairs of the buildings have been well done for 10,000 Rupees instead of for Messrs. Burn & Co.'s estimate of Rs. 42,000 and the Emambarah as bright and ugly as whitewash can make it look.

I have the honour to be,

SIR,

Your most obedient servant.

(Sd.) C. T. BUCKLAND,

Commissioner.

No. 64 A.

BOARD OF REVENUE,
The 12th May 1870.

To

The Commissioner of Burdwan.

SIR,

In reply to your No. 94, dated 3rd instant, submitting a report regarding the repairs of the Hooghly Emambarah which have been executed at a cost of Rs. 10,000 and paid out of the savings of the 3th share of Hajee Mohamed Mohsin's Endowment intended for that purpose, I am directed to state that the Board approve of the proceedings of the Mutwallah and the Local Agents acting under your orders in the matter.

I have, etc.,

(Sd.) ILLEGIBLE,
Secretary.

BOARD OF REVENUE,
The 29th July 1870.

To

The Commissioner, Burdwan.

Sir,

I am directed to bring to your notice that though seven years have elapsed since the orders of Government were passed directing the appointments of Trustees for the Imambarah at Hooghly under Act XX, 1863, the appointments have not yet been made.

2. It appears that the delay has been mainly owing to the difficulty of procuring suitable candidates for the office of Trustee and to the death of one or two gentlemen who had consented to act in that capacity.

3. It is, however, obviously necessary that the requirements of the law should be complied with in respect to the institution under notice. I am, therefore, to request that you will take up the matter afresh and endeavour, in communication with the Mutwallah, to secure the services of at least three (the Board think that five would be a better number) gentlemen of known character and position as local agents to the trust.

4. The result of your proceedings should be reported as soon as possible.

(Sd). ILLEGIBLE,
Secretary.

From

HORACE A. COCKERELL, Esq.,
Officiating Commissioner of Burdwan.

To

The Secretary to the Board of Revenue, L. P.,

Calcutta.

The 11th November 1870.

SIR,

With reference to the correspondence noted in the margin, I have the honour to submit the accompanying copy of a letter and its enclosure from the Local Agents of the Imambarah at Hooghly.

No. 1781 A., dated the 25th May 1869.
No. 95 A., dated the 29th July 1870.

2. Having but little local experience, I felt some hesitation, on first assuming charge of this office, in dissenting from the recommendations of the local agents as to some of their nominations; and to this cause the delay that has taken place in answering your letter must be mainly attributed; considering the large revenue of this endowment and the importance attached to its good management by the Mahomedan community of Lower Bengal, I did not feel satisfied that the selection of the Local Agents was in all respects as good as it might be.

3. The two first named gentlemen, Moonshee Ameer Ally and Hakim Mirza Casim Ally are unexceptionable. Instead of the 3rd gentleman named in the list whose accomplishments, as described in the Local Agents' list, hardly seem exactly those that are required for the management of a large endowment. I would substitute Hajee Abdool Kureem Sheraje, a merchant of Calcutta, highly respected by all classes. In the place of No. 4 in the agents' list I would name Syed Soadutt Shoostree, also a merchant of Calcutta. For the 5th and really working member of the Committee, I would beg permission, with the sanction of Government, to place myself in communication with Moulvee Joynodin, Deputy Magistrate of Behar, brother of late Syed Azeemoodeen, c.s.i., and if he will consent, to arrange for his transfer to Hooghly, on the understanding that he shall, in addition to his ordinary duties as a Deputy Magistrate and Collector of the District, undertake to act in the Committee for the management of the Imambarah. As the appointment will be no sinecure, I would

beg to suggest that this officer should, I think, be granted a personal allowance out of the funds of the Imambarah.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. A. COCKERELL,

Offg. Commissioner.

No. 103.

From

The Local Agents of Hooghly, . .

To

The Commissioner of Revenue for the Division of Burdwan.

Dated Hooghly, the 27th August 1870.

SIR,

In forwarding the accompanying list of proposed Members of a Committee under Act 20 of 1863 for managing the affairs of the Hooghly Emambarah, we have the honour to state that we believe the Mutwallie has made as good a choice as it was possible for him to make.

2. The first gentleman named is quite unexceptionable, with regard to the remainder it is perhaps to be objected to some of them that they are not very well known, but we consider the Mutwallie's choice of them as a guarantee in itself of their respectability.

We have, etc.,

(Sd.) J. PELLOW,

W. F. MERES,

Local Agents.

LIST OF THE NAMES OF THE GENTLEMEN FOR THE COMMITTEE.

1st.—Moonshee Ameer Ally, Khan Bahadur is by generations from the Chiefs and prelates of Kusha Barh, Zillah Arrah, and much esteemed and honourable to the Government as well as to the preceding Kings and Rulers. He is a worthy personage for the performance of the duty and service of the Committee, and through his attendance the management of the Committee will be made in a much better way. He is now the Vizeer of the King of Lucknow in Calcutta.

2nd.—Hakim Mirza Kassem Ally Sahib, son of Mirza Kazeem Ally, is the physician of the Maharaja at Burdwan, and is aged 64 years.

3rd.—Mirza Mobarick Ally (*alias* Mirza Ameer Jan, Koosh Nobees and Draughtsman), aged about 61 years, son of Syed Sohet Ally Khan, the son of Meer Solayman Khan, is a pensioner in the Mohsinia College, and is a very good draughtsman and writer and draws pretty well also with the nails of his fingers. He practises partly in physique also; his uncle Meer Zatihoollah Khan deceased, had been a surety of Hajee Muhammad Mohsin deceased, when he endowed his whole property to the Emambarah. He is one of the Jurors of the Sessions Judge's Court and has a house in Chinsurah.

4th. Mirza Wahid Ally, aged about 50 years, son of Mirza Mohamed Ally deceased, and grandson to Nusratoollah Khan (son of Mahomed Aliff Khan, the nephew of Nowab Khan Jehan Khan deceased, late Foujdar of Hooghly) is the Mutwallee of the Emambarah of Nusratoollah Khan deceased, at Khakrah Jole in zillah Hooghly. His father was a tradesman, and he possesses some land and house. He is one of the Jurors in the Sessions Judge's Court.

5th. Agha Abbas of Teheran, aged about 53 years, son of Hajee Ally of Teheran (who was a learned man and son-in-law to Hajee Kurballa, the head of the merchants) is the Mutwallee of the Emambarah of Hajee Karbala at Chinsurah, in zillah Hooghly, and has Indigo Factories at Mowja Busweah and Mowja Belgachy connected with the Thana of Dhonyacolly. He is one of the Jurors in the Sessions Judge's Court.

6th. Meer Abbas Ally, aged about 22 years, son of Meer Soadut Ally and brother of Moonshoe Syed Waris Ally, Deputy Magistrate and Deputy Collector, of zillah Sahibganj and of Meer Ameer Ally, M.A., B.L., the State scholarship holder in London, knows English and a little of Arabic and dwells with the brothers and mother in a hired house in Chinsurah living upon some property left by his father and the supply made by his brothers.

(Sd.) J. PELLOW,

Local Agent.

No. 69A.

BOARD OF REVENUE,
Dated the 20th January 1871.

To H. A. COCKERELL, Esq.,
Collector, 24-Parganas.

SIR,

Referring to the accompanying copy of your letter No. 761A., of 11th November last, written while you were Officiating Commissioner of Burdwan, I am directed by the Board to request that you will furnish this office with the addresses of the parties therein nominated by you as members of the Syedpore Trust Committee.

I have, etc.,
(Sd.) ILLEGIBLE.

No. 580 G.

From

H. A. COCKERELL, Esq.,
Collector of 24-Parganas,

To

D. I. McNEILE, Esq.,
Offg. Junior Secretary to the Board of Revenue, L. P.
Dated Alipore, the 31st January 1871.

SIR,

In reply to your letter No. 69 A., dated the 20th instant, I beg to give the addresses of the gentlemen mentioned in the letter to which you refer :—

Moonshee Ameer Ali, Colinga, Calcutta.

Hajee Mirza Abdool Kureem Sheraji, Triettea, Calcutta.

Mirza Kasim Ally, Physician, Burdwan.

Hajee Syed Sadok Squkha, Treeta, Calcutta.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. A. COCKERELL,

Collector.

No. 142A.

From

D. I. McNEILLE, Esq.,

Officiating Secretary to the Board of Revenue, Lower
Provinces,

To

The Officiating Secretary to the Government of Bengal, Revenue
Department.

Dated Fort William, the 7th July 1871.

SIR,

Referring to Government order No. 1117, dated 21st March

- | | |
|-------------------------|--|
| 1. Moonshee Ameer Ali. | 1865, on the subject of the Syndpore Trust |
| 2. Mirza Kassim Ali. | Estate, I am directed to intimate that the |
| 3. Agha Abbas Tehirani. | gentlemen named on the margin have expres- |

sed their willingness to act as a committee of trustees to the Syndpore estate. The Member in charge believes them to be properly qualified, and therefore, solicits the sanction of Government to their appointment.

2. I am to add that much correspondence and consequent delay in the submission of this report has occurred, owing to the difficulty of obtaining the services of gentlemen willing to act on the committee.

I have, etc.,

(Sd.) D. I. McNEILLE,
Officiating Secretary.

No. 2725.

From

R. H. WILSON, Esq.,

Officiating Under-Secretary to the Government of Bengal.

To

The Secretary to the Board of Revenue,

In the Land Revenue Department.

Dated Fort William, the 21st July 1871.

SIR,

I am directed to acknowledge the receipt of your letter No. 142A., dated the 7th instant, and in reply to say that the Lieutenant-Governor is pleased to appoint, under section 7, Act XX of 1863, the gentlemen named in the margin to act as a committee of trustees to the Syudpore estate.

1. Moonshee Ameer Ali.
2. Mirza Kasem Ali.
3. Agba Abbas Teherani.

2. The necessary notification will be published in the Gazette.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) R. H. WILSON,

Officiating Under-Secretary
to the Government of Bengal.

Notification by His Honour the Lieutenant-Governor of Bengal,
dated Fort William, the 29th July 1871.

UNDER the provisions of sections 7 and 8, Act XX of 1863, the Lieutenant-Governor has been pleased to appoint the undermentioned gentlemen to be members of a committee of trustees to that portion of the proceeds of the Syedpore estate which has been appropriated to religious uses.

1. MOONSEE AMEER ALI.
2. MIRZA KASEM ALI.
3. AGHA ABBAS TEHIRANI.

No. 23.

From

C. T. BUCKLAND, Esq.,

Commissioner of Burdwan Division,

To

The Secretary to the Board of Revenue, L. P.

The 7th April 1874.

SIR,

At the instance of the Local Agents, Hooghly, I have the honour to solicit the sanction of Government to the appointment of Moulvi Mirza Wahid Ali as a Member of the Committee of management of the Hooghly Emambarah under Act XX of 1863, *vice* the late Mirza Kassim Ali appointed under Government orders No. 2725, dated the 21st July, a copy of which was forwarded to this office with Board's No. 101 A., dated 4th August 1871. .

2. The nominee is reported by the Local Agents to be a man of respectable family, and I therefore beg to recommend, that his nomination may be confirmed.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,

Commissioner.

BOARD OF REVENUE.

22nd April, 1874.

No. 199A.

To

The Commissioner of Burdwan.

SIR.

Referring to your No. 23 of 7th instant, I am directed to observe that it appears from the course you propose to follow in appointing a successor to the deceased Mirza Kassim Ali, that the true nature of a Committee appointed under Act XX of 1863 is not clearly understood by you.

2. In the present case, the case of the Syedpore Trust Estate, a division of the property was made under Section 21 of the Act, and the portion of the Estate dedicated to secular purposes was reserved under the charge of the Board and the Local Agents. It was then decided that the rest of the property, which was devoted to religious uses and therefore fell under Section 3 of the Act, should be dealt with under Section 7, and a Committee was accordingly appointed, "to take the place and exercise the powers of the Board of Revenue and the Local Agents" under the regulations repealed by Act XX of 1863.

3. By section 12 of the Act the appointment of a Committee does away with the whole power and responsibility of the Board and Local Agents. The Committee is appointed "once for all" (see section 7) and the mode of filling vacancies is that laid down in Section 10 which should now be followed.

I have, etc.,
(Sd.) ILLEGIBLE.

No. 94.

From

C. T. BUCKLAND, Esq.,

Commissioner of Burdwan Division.

To

The Secretary to the Board of Revenue, L. P.

The 29th April 1874.

SIR,

I have the honour to acknowledge the receipt of your No. 199A., dated the 22nd instant, communicating the orders of the Board on my proposal to appoint a successor to the deceased Mirza Kasim Ali as member of the Committee for the management of the Syedpore Trust Estate in Hooghly. In reply I beg to state that the Committee of Trustees appointed under Section 7 of Act XX of 1863 in Government orders No. 2725, dated the 21st July 1871, have not yet entered upon their duties, as the Local Agents at Hooghly did not upon the receipt of those orders make over to them any charge of the property mentioned in paragraph 12 of Government letter No. 4036 of 30th October 1863. I have called on the Local Agents for an explanation, but it appears to me that the provisions of Section 10 of the Act in regard to the election of a new member are not yet applicable, and that it is now necessary to appoint a third member in the place of the deceased Mirza Kasim Ali so as to constitute a Committee of the requisite number; I accordingly resubmit the proposal made by the Local Agents of Hooghly for the appointment of a third member for the sanction of Government.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,

Commissioner.

No. 231 A.

From

T. J. C. GRANT, Esq.,

Officiating Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal, Revenue Department.

Fort William, the 11th June 1874.

HON'BLE MR. V. H. SCHALCH.

SIR,

I am directed by the Member in charge to submit for the orders of Government the accompanying copy of a letter* received from the Commissioner of Burdwan, regarding the appointment of a successor to the deceased Mirza Kasim Ali, late one of the Committee to the Syedpore Trust Estate.

*No. 225 of 2nd June 1874, and enclosure.

2. It will be seen from the Commissioner's letter that the gentlemen nominated in Government order No. 2725 of 21st July 1871, never entered upon their duties, and an explanation (of which copy is enclosed), of the delay in giving effect to those orders is submitted by the Local Agents. The Member in charge considers this explanation not satisfactory.

3. As it is, however, necessary to, lose no time in making over the powers of the Board and the Local Agents to a legally constituted Committee, the Member in charge entirely concurs in the Commissioner's view that the Mutwalli ought not now to be allowed to make new nominations, and that the nomination by Government of Mirza Wahid Ali in the place of Mirza Kassim Ali is a proper and legal course. He, therefore, begs to recommend the Commissioner's proposal to the favourable consideration of Government.

I have the honour to be,

SIR,

Yours most obedient servant,

(Sd.) T. J. C. GRANT,

Officiating Secretary.

From

C. T. BUCKLAND, Esq.,
Commissioner of Burdwan.

To

The Secretary to the Board of Revenue, Lower Provinces.

Dated Burdwan, the 2nd June 1874.

SIR,

In continuation of this office No. 94, dated the 29th April, I have the honour to forward copy of a letter No. 15, dated the 16th May, from the Local Agents at Hooghly explaining why no action was taken by them under the orders of Government No. 2725, dated the 21st July 1871, appointing a Committee for the management of the Sydupore Trust Estate, to make over charge to the Committee of the property mentioned in paragraph 12 of Government letter No. 4036 of 30th October 1863. The explanation, it will be seen, is defective in the most essential point, as it omits to shew what the Local Agents did on receiving the orders for the appointment of the Committee. Unfortunately the Local Agents did nothing; and the native gentlemen who were appointed members of the Committee seem to have taken no steps to assume their functions from the Local Agents.

2. As the Committee appointed, under the orders of 21st July 1871, did not enter upon its duties, the provisions of section 10, Act 20 of 1863, for filling up the vacancy which has occurred by the death of one of the nominees are not yet applicable; and it is necessary to appoint a new member as a substitute for the deceased member Mirza Kassim Ali, so as to constitute a Committee of the minimum number required by law. I have accordingly recommended the appointment of Mirza Wahid Ali, who is reported by the Local Agents of Hooghly to have expressed his willingness to act as a member of the Committee.

3. The Local Agents report that on asking the Mutwalli if he has any objection to the pecuniary affairs of the Emambarah being now placed in the hands of the Committee of management appointed by Government, he has stated that he objects to some of the members. It was pointed out to him that the members of the Committee were selected from the list furnished by himself, but he states that circumstances have changed since he submitted the list, and he would nominate the following gentlemen to be members of the Committee:—

- (1) Moonshee Amir Ali, Khan Bahadur (already appointed).
- (2) Nawab Asghur Ali, Khan Bahadur.
- (3) Nawab Ahmud Ali, Khan Bahadur sons of the late Nawab Jahowar Jung, both Barristers-at-law and Honorary Magistrates.
- (4) Moulvee Syed Amir Ali, M.A., Barrister-at-Law

The Committee appointed in the Government Notification of the 29th July 1871 (published in the *Calcutta Gazette* of the 2nd August 1871) consisted of the following gentlemen :—

- (1) Moonshee Amir Ali, Khan Bahadur.
- (2) Mirza Kaseer Ali.
- (3) Aga Abbas Tehraanee.

The second name is a misprint for Mirza Kassim Ali, who is dead, and in whose place Mirza Wahid Ali is now recommended for appointment.

4. Under section 7 of Act 20 of 1863, the Committee of management is appointed "once for all" and if the Local Agents had not omitted to give effect to the orders of 21st July 1871, the Committee then appointed would have taken the place and exercised the powers of the Board of Revenue and the Local Agents, and the Government could not now appoint a new member of a Committee. I am, therefore, not disposed to receive any fresh proposals from the Mutwalli for the appointment of other members to the Committee, especially as it is not known if the gentlemen proposed by him are willing to take office.

5. I would beg to suggest that letters of appointment may be addressed to the several members of the Committee, enjoining them to proceed at once to take charge of their duties from the Local Agents. The Mutwalli is very old and in very weak health, and he declines to attend to the wishes of the Local Agents for the adjustment of the accounts which are not correctly kept under his management. If the Committee enters on its duties, the Mutwalli will be relieved of the charge of the accounts, and their adjustment will be facilitated.

No. 15.

From

MESSRS. F. H. PELLOW and W. F. MERES,

Local Agents, Hooghly.

Dated Hooghly, the 16th May 1874.

To

The Commissioner of the Burdwan Division.

In reply to your No. 56 of 29th April last, calling on us to explain why no action was taken by us under the orders of Government No. 2725, dated the 21st of July 1871, appointing a Committee of management of a portion of the Syudpore Trust, a copy of which was forwarded with your No. 77 of the 22nd August 1871, we have the honour to report as follows :—

2. On receipt of your memorandum No. 175, dated the 12th December 1863, forwarding a copy of Board's letter No. 395 of the 30th November 1863, and the letter of Government in the Revenue

Department, No. 4036, dated the 30th October 1863, we proceeded to draw up the lists required by you and by the Board, and submitted them with our No. 32 of 15th January 1864; five-and-a half years later we received your No. 448I, dated the 1st of October 1869, giving cover to copies of a letter from the Secretary to the Board of Revenue to the address of the Secretary to the Government of Bengal, dated 23rd February 1865, and its reply No. 1117, dated 21st March 1865. In your letter of the 1st of October 1869, you asked for certain information with regard to two sums of Rs. 863-13-10 and Rs. 707-10-8, respectively and we had the honour to submit that information in our letter No. 45 of the same date.

3. The Committee was appointed under orders of Government dated 21st of July 1871.

4. On the 9th of May 1873, you addressed us in your No. 86 of that date, and in paragraph 5 you called on us to report what had been done towards the revision of the lists called for under paragraph 13 of Government order No. 4036 of 30th October 1863. As upwards of nine years had elapsed since the submission of the lists with our No. 32 of the 15th January 1864, we thought it our duty to revise and bring up to date those submitted, and accordingly we procured statements from the Mutwalli and subsequently submitted revised lists with our No. 2 of 10th March last.

5. In paragraph 8 of the letter of the Secretary to the Board to the address of the Secretary of Government No. 71 of 23rd February 1865, quoted above, it is stated that the Board await the appointment of the Committee to give effect to the arrangements. We have hitherto been favoured with no instructions of the Board on the subject of the transfer.

6. We did not venture to remind the Board through your office, that the matter was pending, as in consideration of the long periods which had elapsed between the submission by us of the information and reports called for and our receipt of replies to them we thought that the making over of the property to the Committee might be still under the consideration of the Board.

REVENUE DEPARTMENT.

Mis. Revenue.

No. 1505.

From

L. C. ABBOTT, Esq.,

Under-Secretary to the Government of Bengal,

To

The Secretary to the Board of Revenue, L. P.

Calcutta, the 6th July 1874.

SIR,

I am directed to acknowledge the receipt of your letter No. 231A., dated the 11th June 1874, recommending the appointment of Mirza Wahid Ali as a Member of the Committee for the Syedpur Trust Estate in the place of Mirza Kasim Ali, deceased.

2. In reply, I am directed to inform you that the Lieutenant-Governor notices with dissatisfaction the delay which has been allowed to take place in carrying out the Government Order No. 2725, dated 21st July 1871, and thinks that such delay should not have been permitted.

3. With reference to the present recommendations for filling up the place of the deceased member, I am to ask whether the Board and the Commissioner of Burdwan have any good reasons for limiting the number of the Committee under Section VII of Act XX of 1863 to the minimum number required by law. As it does not appear that any additions to the number of the members of the Committee can be made subsequently, the Lieutenant-Governor is inclined to think that it would be desirable to give to the committee of an institution such as that now in question, the additional strength and influence which it would gain from a larger number of members. In this view the present nominees of the Mutwalliee or some of them might with advantage be added, if they are willing to serve.

4. With reference to Section VII of the Act the Commissioner should certify regarding the appointment of each proposed member of the Committee that, as far as he has been able to ascertain, the appointment would be in accordance with the general wishes of those who are interested in the maintenance of the establishment.

5. I am also to request you to submit a draft of the notification of appointment worded precisely in accordance with the Act for publication in the Gazette under Section VIII of the Act.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) L. C. ABBOTT,

Under-Secretary to the Govt. of Bengal.

From

T. J. C. GRANT, Esq.,

Offg. Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal,

Revenue Department,

Fort William, the 24th August 1874.

SIR,

In reply to Government order No. 1505 of 6th ultimo, I am directed to state that on reconsideration of the matter at the Board, Mr. Dampier has been led to the conclusion that when the Board's letter No. 231 A. of 11th June 1874, and the Government order quoted above which was founded upon it, were written, the requirements of the law were overlooked; and that in fact the law does not admit of the vacant place in the Committee being filled up by an appointment made by the Government.

2. Syed Mohamed Mohsin left his estate in Jessore as an endowment for certain religious and charitable purposes.

3. The religious part of the endowment is represented by the mosque and Imambarah in Hooghly, and regarding it the Government wrote as follows:—

“The religious establishment maintained out of a portion of Paragraphs 11 and 12 of G. O. the trust property is one whereof the Superintendent is nominated by the Government. Special provision must, therefore, be made for it under Sections 3 and 7 of the Act. A Committee must be appointed to take the place and exercise the powers of the Board of Revenue and of the Local Agents, and when appointed, will perform all the duties of the Board and the Agents, except in respect of property specially provided for under Section 21 of the Act.”

“Under Section 21, the Board is to determine what portion of the land or other property belonging to the trust is to remain under its own superintendence for application to secular uses, and what portion shall be transferred to the committee. The Lieutenant-Governor is of opinion that the Board should make over to the Committee only the Imambarah at Hooghly and the garden, bazar and other grounds adjoining it, and should keep the Syedpore Estate in its own hands, paying periodically to the committee three-ninths of the income for the expenses of the religious observances of the prophet and his descendants, for the other appointed festivals, and for the repairs of the

Imambarah and the burying ground; one-ninth for the use of the Agent or Superintendent, and so much of four-ninths as may properly be devoted to the payment of establishments connected with the Imambarah."

4. The orders to appoint a committee were not carried out for some years, but in the Gazette of 2nd August 1871, page 1489, the following notification of 29th July appeared :—

"Under the provisions of sections 7 and 8, Act XX of 1863, the Lieutenant-Governor has been pleased to appoint the undermentioned gentlemen to be members of a Committee of Trustees to that portion of the proceeds of the Syudpore Estate, which has been appropriated to religious uses."

1. Moonshee Ameer Ali, Khan Bahadur.
2. Mirza Kapur Ali (a misprint for Mirza Kasim Ali).
3. Aga Abbas Teherani."

5. The Committee having been appointed the Board and the Local Agents were required by section 12 of Act XX of 1863, immediately to make over charge of the affairs to the Committee and to divest themselves of all further responsibility. But nothing of the kind was done; the Local Agents retained and still performed the duties of Local Agents, and the Committee have never entered on their duties, or exercised any part of their functions; everything has hitherto gone on exactly, as if no committee had ever been appointed. In the meantime Mirza Kasim Ali, one of the committee, has died; and in Board's order No. 231 A of 11th June last, it was recommended that Mirza Wahid Ali should be nominated by Government to fill the vacancy thus occasioned in the committee.

6. In his letter No. 225 of 2nd June 1874, which was submitted to Government with Board's letter No. 231 A of 11th June last, the Commissioner of Burdwan wrote as follows :—

"As the committee appointed under the orders of 21st July 1871 did not enter upon its duties, the provisions of section 10, Act XX of 1863, for filling up the vacancy which has occurred by the death of one of the nominees are not yet applicable."

The Member in charge is unable to concur in this interpretation of the law.

7. The case is one of a mosque as described in section 3, Act XX of 1863. The Government has, as required by section 7, appointed a committee "to take the place and exercise the powers of the Board of Revenue and the Local Agents" under the Regulations repealed by the Act. The committee, as originally appointed by Government, consisted of the legal number of three persons; and the wording of the section is express that the appointment of such a committee by Government shall be "once for all." The appointment of the committee has been already notified in the Gazette as required by section 8,

8. Section 10 lays down the procedure to be followed "whenever any vacancy shall occur among the members of the committee appointed as above" for filling up the vacancy. The fact of the committee not having entered upon their duties before the vacancy occurred, does not appear to the Member in charge to affect the question. The vacancy could at first, have been legally filled up by election under section 10 of the Act, but by no other procedure. The Legal Remembrancer concurs in this view of the law. Thus it was incumbent on the remaining members of the committee, as soon as possible, to give public notice of the vacancy which had occurred, and to "fix a day, which shall not be later than three months from the date of such vacancy, for the election of a new member by the persons interested under rules for elections framed by the Local Government." Rules were duly framed and published with the approval of Government in the Gazette of the 6th December 1865, page 2096 (notification dated 2nd December 1865). The period of three months within which such election is required to be held has, however, expired, and the Member in charge thinks the best course will be that an application be made to the Civil Court by the Government pleader explaining the circumstances of the case and praying that the Court will be pleased to appoint Mirza Wahid Ali to fill the vacancy, under the powers vested in it by the latter part of section 10 of the Act. The approval of Government to this course is requested.

9. As soon as the committee shall thus be raised to the legal minimum number, the Board will take immediate steps to carry out the transfer of duties to the committee in the manner prescribed by section 12 of Government order No. 4036 of 30th October 1863, should the Government wish those instructions to hold good. The Member in charge presumes that the provisions of section 21 of the Act were duly considered by the Government when they were issued.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) T. J. C. GRANT,

Offg. Secretary.

REVENUE DEPARTMENT.

No. 2164.

From

H. J. S. COTTON, Esq.,

Acting Junior Secretary to the Government of Bengal.

To

The Offg. Secretary to the Board of Revenue.

Calcutta, the 13th October 1874.

SIR,

I am directed to acknowledge the receipt of your letter No. 324 dated the 24th August 1874. and in reply to say that the Lieutenant-Governor approves of the proposal of the Member in charge to cause an application to be made to the Civil Court of the Hooghly district to appoint Mirza Wahid Ali, a member of the committee for the Syedpore Trust Estate, in the room of Mirza Kasim Ali, deceased.

2. I am also to forward in original a letter dated the 18th September 1874 (with its enclosures) from Syud Keramut Ali Motawallee of the Imambarah in Hooghly applying to be allowed to retire on a pension and to nominate a successor. It does not appear to the Lieutenant-Governor that this question need remain in abeyance till that of the constitution of the Committee of management is settled, and I am to request that the Member in charge will be good enough to report what pension can be given to the Motawallee and whether he is entitled to appoint his successor, and, if not, what arrangements should be made for filling up the vacancy. More than one application for the appointment has been submitted to Government.

3. The return of the original enclosure with your reply is requested.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Acting Junior Secretary to the

Government of Bengal.

To

The Secretary to the Board of Revenue.

Darbhanga, 14th December 1874.

SIR,

I beg leave to request the favour of your laying before the Honourable Board this my application for the Mutwalliship of the Hooghly Imambarah with such grounds as I beg to submit below.

I have served Government for upwards of 35 years as Deputy Collector and Deputy Magistrate and have applied now to retire from the service on pension.

I am and my ancestors have been of Shea persuasion. Previous to entering Government service, I was appointed acting Mutwalli of that Imambarah and was recommended for permanent appointment to that post by Mr. Walters, the then Junior Member of the Board, but the recommendation of the Senior Member prevailing, Moulvi Karamut Ali, the present incumbent, was appointed. I beg to enclose the certificate which was granted to me by the then Local Agents in original, and beg most respectfully to request to be appointed to the post when the present Mutwalli retires from the service which, I understand, it is his intention soon to do.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) SYUD ZAINUDDIN,

Deputy Magistrate and Deputy Collector

REVENUE DEPARTMENT,

Land Revenue.

No. 238.

From

H. J. S. COTTON, Esq.,

Acting Junior Secretary to the Government of Bengal.

To

The Offg. Secretary to the Board of Revenue, in the Land
Revenue Department.

Calcutta, the 30th January 1875.

SIR,

With reference to Government order No. 2164 dated the 13th October 1874, and subsequent reminders Nos. 2164A. and 2164B. dated respectively the 30th November and 18th December last, I am directed to enquire what the result has been on the application to the Civil Court of Hooghly for the appointment of Mirza Wahid Ali as a member of the Committee for the management of the Syedpore Trust Estate.

2. I am to add that the matter has been long pending and that the Lieutenant-Governor is desirous of having it speedily settled.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Act. Jr. Secretary to the Government of Bengal.

No. 261, dated Calcutta, the 2nd February 1875.

From—H. J. S. COTTON, Esq.,

Offg. Junior Secretary to the Government of Bengal, Revenue Department.

To—The Offg. Secretary to the Board of Revenue, in the Land Revenue Department.

In continuation of my letter No. 238, dated 30th January, I am directed to invite attention to paragraph 2 of my previous communication* therein cited, with a request that the Member in charge will favour the Lieutenant-Governor, as soon as possible with an expression of his opinion regarding the amount of pension which should be assigned on his retirement, to Syud Karamat Ali, the present Mutwalli of the Imambarah at Hooghly.

* No. 2164, dated 13th October 1874.

2. I am to add that this portion of the case need not be left unsettled, pending the determination by the Civil Court of the question regarding the appointment of another member to complete the number of the Committee of Management.

BENARES,
The 8th February 1875.

To

The Hon'ble the Members of the Board of Revenue,
Lower Provinces.
Calcutta.

GENTLEMEN,

I am given to understand that the present Mutwallee of Hooghly Emambarah is about to retire on pension; I therefore respectfully beg to offer myself as a candidate for the approaching vacancy.

I may mention that I belong to the Shea Sect, and am of the age of 38 years. I was educated at Benaras in Jay Naraiyan's College, and have a fair knowledge of Persian and Urdu and English.

As regards my parentage, I beg to state that I am the son of Hadjee Abdul Hamed Shirazi. In respect to my character, connections and respectability as well as my qualifications, I would solicit permission to refer you to Mr. Manackjee Rustomjee, Prince Habaid-zuman, Hadjee Mirza Abdool Kareem Sherazee, Hajee Syed Saduck Soosturee, Mir Mohammad Cazim Jowharee, Moonshee Ameer Ali, Khan Bahadur, and the Hon'ble Moulvi Abdool Latif, Khan Bahadur.

Some three years ago the Government contemplated divesting itself of the supervision of the Emambarah in question, and of entrusting the same to a Committee formed of Mahomedan gentlemen of whom the following were addressed on the subject, viz., Hadjee Baba Kazirani, now away at Bushire, Prince Halime Zuman, Hajee Mirza Abdul Kareem Shirazee, Hadjee Syed Sadick and Meer Mohammad Cazim Jowharee.

Should the intentions of Government be carried into effect, I shall be most happy to act under the supervision of such a committee.

I beg to enclose for perusal copies of my testimonials, and in doing so with due deference, take the liberty of adding that I am prepared to furnish security in the event of its being considered necessary for me to do so.

I have the honour to be,

Gentlemen,

Your most obedient servant,

(Sd.) AGHA MOHAMMAD TAKI SHIRAZEE.

No. 64A, dated Fort William, the 8th March 1875.

From—G. TOYNBEE, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces,

To—The Secretary to the Government of Bengal, Revenue Department.

I am directed to acknowledge receipt of your letter No. 2164, dated 13th October last, on the subject of the grant of a pension to the Mutwalli of the Hooghly Imambarah, and in reply to forward copies of the correspondence noted in the margin on which the Member in charge desires to make the following observations.

Commissioner of Burdwan's No. 955, dated 22nd January 1875, to the Board.
No. 5, dated 12th idem, from the Local Agents, Hooghly, to the Commissioner of Burdwan.
Application of the Mutwalli, dated 19th December 1874, with enclosures.

2. It appears to Mr. Schaleh that the services of Saiyid Karamat Ali, as Mutwalli, can alone be considered by the Board, any services rendered by him to the British Government prior to his appointment to the charge of the Imambarah being altogether beyond its purview. Any pension which it may be thought right to give him for the services of the former kind must be paid exclusively from the funds of the trust estate, and, on the other hand, his merits in other respects should not be taken into account in calculating his pension as Mutwalli, for this would be to burden the trust estate with a charge it cannot justly be asked to bear.

3. As Mutwalli, then, Saiyid Karamat Ali has undoubtedly been a useful servant of the trustee, Government or its local agents, and has administered the estate judiciously for a period of 37 years. Were he a Government servant, such services would entitle him to a pension calculated on half his average salary for the last ten years, or say Rs. 3,775 per annum, and the Member in charge accordingly recommends that he should be granted a pension of that amount from the surplus revenue of the four-ninths share of the trust estate. Whether an independent acknowledgment in the form of pension should be made to him in recognition of his political services is a question for Government to decide.

4. The surplus proceeds of the four-ninths share amount to Rs. 4,933 and can bear this charge; but Mr. Schaleh has called upon the Commissioner of Burdwan for a statement showing the present expenditure from that share in detail.

5. In connection with this question however, Mr. Schaleh thinks it right to state that when in 1858, the Mutwallee wished to retire on a pension of Rs. 250 a month the Board "after careful perusal of the tauliyatnamah" decided that the grant of a pension to a Mutwallee did not come within the terms of the trust. But the member in charge thinks that the Board as then constituted overlooked the true position of the present Mutwallee as laid down in 1836.* and again in 1863.† They argued that the deed of trust did not authorize

* Letter of the Governor-General dated 28th October 1835 No. 108 to the General Committee of Public Instruction, copy of which was forwarded to the Board by the Secretary to Government, Revenue Department of Bengal, on the 2nd of January 1836.
† Government order No. 4036, dated the 30th October 1863.

Mutwallees to give themselves pensions; but they forgot that Government stood in the place of both the Mutwallees appointed under the trust deed, and that Saiyid Karamat Ali was Mutwallee in a different sense from the Mutwallees contemplated by the tauliyatnamah.

6. As regards the alleged power of a Mutwallee to appoint or nominate a successor, the orders of 1836,* and 1863 † seem to Mr. Schalch to leave no doubt on the matter. The Mutwallee is in fact a servant of Government, *who represents both Mutwallees under the trust*, and is, therefore, no more entitled of right to nominate a successor than any servant on the Imambarah establishment. Nor can he adopt part and reject part of the ruling of 1858. If he is Mutwallee under the deed or trust, he cannot get a pension; if he is Mutwallee in the sense of an agent of the true double Mutwallee, Government, he cannot nominate a successor.

7. The member in charge, however, admits the reasonableness of Saiyid Karamat Ali's wish that his successor should be a person likely to continue his own careful administration, and is of opinion that if it be well ascertained that his nominee is qualified by character and ability for the post and likely to be acceptable to the Muhammadan community, its full weight should be given to his recommendation; but it *must be* remembered that Government having assumed the position of trustee, is responsible for the fitness of the agent it may appoint.

No. 955, dated Burdwan, the 22nd January 1875.

From—C. T. BUCKLAND, Esq., Commissioner of the
Burdwan Division.

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your No. 456 A., dated the 27th November last, regarding the pension to be granted to the present Mutwallee of the Hooghly Imambara, I have the honour to submit copy of a letter No. 5, dated the 12th instant, and of its enclosures, from the Local Agents, Hooghly, and to recommend for the favourable consideration of the Board of Revenue, the proposal of the Local Agents to allow the mutwallee, as a special case, to retire on a pension equal to the average of the salary that he has received during the last ten years of his service as Mutwallee of the Imambara.

No. 5, dated Hooghly, the 12th January 1875.

From—MESSRS. F. H. PELLEW and W. F. MERES, Local Agents,
Hooghly,

To—The Commissioner of the Burdwan Division.

In reply to your No. 479 of 3rd December 1874, regarding the pension of the Mutwalli of the Hooghly Inambarah, we have the honour to forward copies of the correspondence which has passed between us and the Mutwalli on the receipt of your letter.

2. From the latter part of the letter of the Mutwalli, dated 19th December, to our address, we are led to suppose that the Mutwalli hopes for a pension equal in amount to the emoluments which he at present derives from the Trust Estate. In order to save further correspondence, we again addressed him in our letter of 30th ultimo, informing him that we had proposed that his pension should be equal to one half of the average salary which he had drawn during the last ten years, and asked if this would be acceptable to him. We find, however, that while the Mutwalli expresses his dissatisfaction at this proposal in his letter dated the 2nd current to our address, he has not favoured us with a more explicit statement than that contained in his previous letter of the 19th ultimo.

3. Under the Will of the Founder, pensions have a prior claim on the income of the $\frac{4}{5}$ ths share, which amounts to about Rs. 26,845 annually. We append a statement shewing the charges of the Emambarah debitable to the $\frac{4}{5}$ ths share, together with the pensions which are still current. The whole of the charges amount in all to Rs. 21,911-15, so that there is an annual surplus of about Rs. 4,933-1, to which sum might be debited the pension which Government may be pleased to award to the Mutwalli.

4. In our letter No. 31, dated the 11th August 1874, to your address, we proposed, on the ordinary rule in force for Government appointments, that the pension to be granted to the Mutwalli should be one-half of the average salary, which he has drawn from the Syedpur Estate during the last ten years. We beg to forward herewith a statement shewing the amount of the salary of the Mutwalli since 1864. It is to be remembered, however, that in addition to the salary, he has enjoyed the advantage of a commodious and well-furnished residence with a valuable library, battis, servants, etc., attached to his position as Mutwalli of the Emambarah.

5. The Mutwalli has performed distinguished services to Government, which have been acknowledged by the Court of Directors, and he has great and peculiar claims on the endowment, which he has not only provided by unwearied personal zeal and energy (for he was architect, surveyor and clerk of the works), with magnificent buildings as well as a valuable library, but for which and for the Mahomedan community in general, he has recovered large arrears of endowed lands which had been misappropriated by his predecessors. These

lands were only recovered after great personal anxiety and annoyance; for they were for the most part held by wealthy Hindoos, who defended their claims in each appellate court available. Some of these cases, he has been engaged in conducting since that time when we first held charge of this office. At his advanced age to engage in litigation fearlessly and spontaneously for purely public purposes, is a striking testimony to the worth and sterling qualities of his character. We, therefore, willingly join with him in expressing a hope that the Government may be pleased to treat his application as a special case, and, if possible, complying with what we believe to be his wishes, to allow him to retire on a pension equal to the average of the salary which he has hitherto enjoyed as Mutwalli of the Emambarah. At the same time we hope that he will continue to be Mutwalli till a really satisfactory successor can be found.

Dated, Hooghly, the 19th December 1874.

From—SYUD KERAMAT ALI, Mutwalli of the Hooghly
Imambarah,

To—The Local Agents of Hooghly.

I have the honour to acknowledge the receipt of an enclosure from your office, dated 5th instant, enclosing a communication from the officiating Secretary to the Board of Revenue to the Commissioner of Burdwan, and another from the Commissioner to you, as also your memorandum No. 48 of yesterday's date with a request from you to let you know what amount of pension I consider myself entitled to.

In reply, I beg respectfully to call your attention, in the first place to my long services under Government, not only as mutwalli of this Imambarah, but also in other capacities, and trust, in recommending the amount of pension to be granted to me, you will not only take into your kind consideration my life-long services, but also call the attention of the superior authorities to them, hoping at the same time that you will excuse me for the delay occasioned by the illness of my clerk.

My connection with the British Government first commenced with my service under Sir John Campbell, afterwards the British Envoy, and at that time in Persia who searched me out and entertained me in the services of the Embassy at Tabriz, to which I remained attached for about three years. The watch and the complimentary letter awarded to me by the Honourable Court of Directors for my Treatise on Prosody were in reality a reward for my faithful services during these years, which were the only medium to make my book accepted to, and my credits acknowledged by them. Here I may beg to add, also, that whilst in Persia I received several offers from the Russian Envoy to proceed to St. Petersburg and enter the services of his Government, but the love and esteem I entertained for Sir John Campbell and my other English friends kept me back from listening to the Russian Envoy's temptation.

I was recommended by Sir John Campbell to accompany my most lamented and dear friend and pupil, Captain Arthur Conolly, in his arduous feat of reaching India *via* Afganistan. His travels have been given to the world in two volumes in the English language and I can only say that the affection which breathes in his pages towards me is only equal to that I entertained for him and still entertain for his memory. On his return to India, Captain Conolly introduced me to His Excellency the Governor-General and Lady William Bentinck, from whom and other European gentlemen and ladies I received the greatest consideration and kindness. His Excellency and Her Ladyship going so far as to receive me in their entertainment as their principal guest. I also received from them the most flattering credentials.

On my arrival in India with Captain Conolly, I was despatched by the British Government as Confidential Political Agent to the newly established Barikzie Court at Cabul. Here also I remained for about three years. The Multhun Court, or the rendezvous for the merchants dealing in fruits, sugarcandy, etc., was opened in Cabul through my indefatigable labour. It was owing to my exertion and persuasions that Nawab Abdul Jubbur Khan, elder brother of Dost Mahomed, Amir of Cabul, had condescended to open a freindly intercourse with British Government and connect the two States in mutual alliance, and that with this view he had sent his eldest son, Abdul Gyas Khan, to India under a pretext of having him trained there while Ameer Dost Mahomed Khan was only watching for a happy result that he might send his own son also in the same way. In doing all my services here as well as elsewhere I did never bring any kind of loss on the Government; on the contrary, I created for it as much benefit as my humble ability could do, by devoting all I could save from my own income. In Cabul I had free boarding and lodging with my friends. and so I had the satisfaction to become more servicable to Government. I regret much my suggestions at the time were not carried into effect by Government, or I feel confident the subsequent losses would have been warded off. But now that it is acted upon according to those, my former intimations, they are, being too late, brought to execution with expense. At one time I had also communicated my views of the political aspect of affairs in Persia to Colonel Macdonald, British Envoy in Persia, and other English gentlemen; but they had also disapproved of them. From Cabul, after completing my mission, I intended again to proceed to Persia, but was dissuaded by my English friends.

On my return Government conferred on me, in recognition of my loyal and faithful services at Cabul, the Sudder Ameenship of Ajmere; and though I held this post for a short time, yet the manner in which I performed the duties of my office was sufficient for my superiors, Colonel Alves and Captain Trevelyan, to judge of my personal merits and ability and to recommend me to the Board. From this post it was that I was directed by the Honourable Board of Revenue to take charge of the important office of Mutwalli of this magnificent endowment of Mohammad Mohsin. I have held this office

for 37 or 38 years, and I trust the manner in which I have discharged the duties of my office has been to the entire satisfaction of the superior authorities. Besides, during the late mutiny, I, by my judicious counsels and advices, kept many places from being revolted, especially Hooghly and Chinsurah, which were on the point of rising to a confusion and tumult, but were suppressed by my exertions and efforts.

The services I have rendered have all sprung from a sincere wish to add, according to my humble ability, to the glory of the British name in India. I abolished every useless expenditure and added some five or six thousand rupees to the annual income of the endowment, by discharging various servants who were formerly retained for the Mutwalli, resuming their chakran (service) lands, and stopping a superfluous allowance of Rs. 720 per annum to a Brahmocharree, for which I had to encounter many serious attacks. The former servants of the Emambarah who had been in the habit of robbing it, were turned out, and respectable Mahomedans, trained by myself, were placed in their stead, I erected the present structure which now occupies the site of the old ruinous Emambarah, and gave it all sorts of improvements with the expense of all my strength and money. I have attached to it a magnificent library, so very necessary for Emambarahs, full of valuable Koran and Hadeeses, most rare Arabic and Persian works, and various mathematical instruments, to the value of some fifty thousand rupees, from my own money, and succeeded to appropriate to the use of the Emambarah about a hundred and fifty beeghas of land and several houses in Hooghly, acquired out of my own income. I tried as much as I could for the diffusion of knowledge and learning, I wrote and published many scientific books. I tempted the Mahomedans of Delhi to acquire a knowledge of English by setting them my own example; and during my incumbency here, I have offered free boarding and lodging and other assistances, from the Emambarah as well as from my private fund. I am glad to state that a number of 256 boarding students have successfully been educated here from the year 1840 up to the present date, and holding different posts from the mohourriership up to the office of the Principal Sudder Ameen. I have also been, during my stay here, an honorary member to the Asiatic Society of Bengal.

I place all these facts before you, and call your attention to my services in the earnest hope that you will recommend the grant of a pension to me equal in amount to my salary. I should also beg to inform you that had not my own share for an entire year been absorbed in the Shokisti-lakeraj (resumption of the invalid lakeraj) cases by the imprudence of the Collector of Jessore; had not a large sum been taken repeatedly from me as my income tax, both here as well as in Jessore, which, though I applied for on the 4th May 1874, has not yet been ordered for a refund; and had not Abdul Wahab late cashier of the Emambara embezzled a sum of Rs. 17,280 and odd annas (which I made good to the Emambarah, inasmuch as I have not suffered it to sustain a single loss during my incumbency, but taken upon myself if there occurred any) and my superior authorities declined to assist me in the law suit against him and his sureties, I would not have fallen to my

present reduced condition. Besides, it is well known how people of my position have been awarded with handsome allowances and pensions, both here and in Persia, for doing the like services I have done in Persia and Cabul, as well as for filling such an important office of mutwalli. I leave my case for you and the Government to judge whether, after this lapse of time and continuous faithful and loyal services, I can believe myself entitled to a full pension, as I have mentioned in mine of the 9th July 1874, to the Commissioner.

In conclusion, I shall add that whatever the pension that should be granted to me, my old age (80 years) does not lead me to hope I shall be a pensioner for any very long period. I also beg to add that the person I have nominated as my successor in mine of the 30th March 1874, is no relative of mine and is no way connected with me. In nominating him I have been actuated by the sole wish to serve Government most faithfully and single-mindedly. And should he be not allowed to succeed me, I hope the Government would, after me, appoint such a mutwalli as will deal with my waqufs exactly according to my wishes.

Copies of the letters, etc., as per list annexed, are herewith submitted for your favourable consideration.

EAST INDIA HOUSE,

Dated the 19th August 1831.

From—P. AUBER, Esq.,

To—Syed Keramat Ali, the Mutwalli of the Hooghly Imambarah.

Your eloquent address to the Honourable the Court of Directors and the Treatise on Prosody which accompanied it have been received and laid before the Court, by whom I am commanded to make known to you the satisfaction with which they have received this manifestation of your respect and attachment and of your solicitude for the improvement and diffusion of the poetical literature of Persia.

In the seminaries of learning established by the Court for the education of the youth who are destined to administer the affairs of British Empire in India, a correct and comprehensive Treatise on Persian Prosody has long been wanting. This defect has now been supplied by your industry and learning, and the Court, duly appreciating the value of the work and the motives which have actuated you in presenting it to them, directed me to convey to you the expression of their thanks, and to signify to you that, as a mark of their approbation and favour, they have directed a watch with a chain and seal to be transmitted from this country and presented to you by the British Envoy in Persia in the name of the Court.

I am further instructed to add, in reply to that part of your address which relates to the treatise on the Arabian prosody, that, as your supposition with regard to its comparative inutility in this country is correct, they will not avail themselves of your offer of transmitting it.

Translation of the superscription on the watch.

"In accordance to the orders of the Court of Directors of the Honourable East India Company, awarded to the illustrious Meer Kermut Ali; finished in the seat of Government, London, 1831."

Syud Keramut Ali, native of Joynpur, Beneras, having been introduced to Lord William Bentinck by Lieutenant Arthur Conolly whom he has accompanied in a tour overland from Persia *via* Herat and Kandahar to India was received by His Lordship at his table and otherwise honoured while he remained in the camp.

At his request, and under His Lordship's sanction, I give him this testimonial of his personal merit and of His Lordship's satisfaction with him.

(Sd) H. T. PRINSEP,

Secretary.

CAMP MEERUT,

26th February 1831.

Dated Jessore, the 30th June 1862.

From—The Officiating Collector of Jessore.

To—The Mutwalli of the Hooghly Imambara.

I am anxious to see you, if possible, at Jessore. I wish to consult with you on a very important question affecting the Syudpore Trust Estate. It refers to the large mass of suits which have been instituted for the resumption of lakheraj lands in the putnee mehals. I am aware that your consent was somewhat unwillingly given to their institution and after much careful investigation I have myself conceived a strong doubt of their success. I wish to consult you as to the propriety of settling these cases by composition with the lakherajdars, with a view to the recovery of the value of the stamp on which the petitions of plaint have been engrossed.

I cannot come to any definite conclusion on the subject, nor do I wish to do so, without fully laying the matter before you, and as the points to be considered are too numerous and intricate to be satisfactorily discussed by letter, I beg that you will do me the favour of coming over to Jessore at your earliest convenience. As the case must be tried under the new law before the civil courts, and not by myself, no time must be lost. I hope to hear from you immediately on the subject, and trust that you may be able to follow your letter at an early date.

Dated Jessore, the 14th July 1862.

From- The Officiating Collector of Jessore.

To—The Mutwalli of the Hooghly Imambarah.

I beg to acknowledge the receipt of your letter of the 11th instant, and in reply to point out to you that I did not ask you to favour me with your presence here for the purpose of engaging in negotiations with the lakherajdars, but in order that I might have the benefit of a consultation with you on the necessity for entering into those negotiations.

You are probably aware that the institution of all these suits under Regulation II, 1819, had been ordered by the Board of Revenue, and had almost been completed when I first took charge of this office. I knew nothing whatever about the suits at the time; but I have since carefully entered into the matter, and have myself come to the conclusion that under the law the putneedars, and not ourselves, are the only party who can sue for resumption.

The Board of Revenue have, however, clearly ruled to the contrary, and though I am persuaded that in doing so, they had not had the question properly put before them, yet I cannot now officially demur to their decision, unless I can state that you agree with me in my views on the matter.*

I believe myself that we see the chance of losing every one of the suits with all our expenses on stamp papers and other costs of the suit go to trial, and it greatly depends on you whether we shall incur this loss or not. I, therefore, beg of you to come over and hold a conference with me on the subject. I do not place the smallest confidence either in your mooktear or in the amlah of your office. Nor do I think their opinions worth asking on the question. We have no time to lose; the cases have been transferred by law to the civil courts, and will shortly be taken up.

Besides, the Board of Revenue are passing for a report upon them. Please come over at your very earliest convenience.

No. 49. dated Hooghly, the 30th December 1874.

Memorandum from—The Local Agents of Hooghly.

To—The Mutwalli of the Hooghly Imambara.

The Local Agents beg to acknowledge the mutwalli's letter, dated the 19th current, with reference to the pension of the mutwalli. They have read with interest the statement of the mutwalli's services. The mutwalli, however, has not favoured them by stating what amount of pension would be acceptable to him. The Local Agents, while appreciating the mutwalli's apparent motive for refraining to mention

any specific sum, request to know if the proposal, which was made to Government when submitting his enclosure to his letter of the 9th July last, would be satisfactory to the mutwalli. The proposal was that the mutwalli should be allowed a pension equal to one-half of the average salary which he had drawn for the last ten years or Rs. 315 per mensem.

Dated Hooghly, the 2nd January 1875.

From—SYUD KERAMAT ALI, Mutwalli of the Hooghly Imambara,
To—The Local Agents of Hooghly.

In acknowledging the receipt of your No. 49 of the 30th ultimo, I have the honour to observe that every person entertains more regard and love for his faithful servants according as they grow older and serve for a longer period, and such regard is shewn more extensively by Governments. I have spent more than half of my age in the service of the British Government, and proved myself most faithful and zealous in every way. My connection with the British Government is of a rare character and perhaps never seen in any Government, inasmuch as I have all along the time been accustomed to spend all my money for a better performance of the business entrusted to me in order to have my name go with the existence of the British name in India. The nature of all the important services I have rendered to Government as mentioned in mine of the 19th ultimo, will be, I believe, very difficult for you to comprehend at once and appreciate duly.

2. I beg to call your attention to the kharij towliyat, which has been left to my disposal much in the shape of a jagheer, the accounts of which I have not to forward to any superiors. But I always take the same care of it as I do for the waqf, though I always refrained to derive a single benefit from it, augmenting, on the other hand, its income by every possible means and at the expense of all my strength and money. I do not know whether this kharij towliyat will ever continue as my jagheer, or will be resumed from me. Here I may add also, that in the beginning Mr. Mangles, the then Secretary to the Government of India, and Mr. Lewis, then Commissioner of the Moorshedabad division, had proposed for me two shares out of the nine, but I had taken it for an abuse, and declared it to be so. Further, I beg leave to inform you that I am a Government servant, and not a servant to the Waqf Hajee Mahomed Mohsin; for in the latter case my share would have been much greater.

3. As for the query whether the proposal which you made to Government (for an allowance of a pension to me equal to one-half of the average salary which I have drawn for the last ten years, or Rs. 315 per mensem) would be satisfactory to me, I have only to say that paragraph 8 of my letter of the 19th December last has unfortunately been overlooked. Besides, I cannot understand what peculiarity is there in taking ten years as a standard for the calculation. In the year 1858, the Commissioner of the Division had recommended for me a pension equal to one-third of my salary, or Rs. 250 per mensem; and how this calculation bears so vast a dissimilarity to that of yours is beyond my comprehension.

4. I regret to state that I have not been favoured with any reply as to the disposal of my waqfs, though on the 20th July last, when I had the honour to wait upon His Excellency the Governor General, I was intimated by His Excellency that my waqfs shall be disposed of exactly according to my wishes.

5. In conclusion, I beg to request that you will be pleased not to make any further delay, but submit all the papers relating to my pension at once for the consideration of Government.

Dated Hooghly Imambara, the 18th September 1874.

From—Syud Keramat Ali, Mutwalli of the Hooghly Imambarah,
To—The Private Secretary to the Lieutenant-Governor of Bengal.

I beg to inform you that before this I had applied for pension, when the Hon'ble Board of Revenue, in the year 1858, was pleased to refuse it to me on the ground that the grant of a pension to the Mutwalli is not inserted into the Deed of Appropriation but they held, when the Mutwalli is incompetent to discharge the functions of his office, he should appoint a successor. As I had some of the works relating to the Imambara left unfinished, and had nobody to support my claim for pension, I remained quiet in performing the duties of my office.

Further, I beg to inform you that I have served the British Government for upwards of 45 years, not only as the Mutwalli of the Hooghly Imambarah, but also in other capacities and at more critical junctures. The grand structure, with all its embellishments, which now occupies the site of the poor, sorry looking, and ruinous old Imambarah, is the result of my indefatigable labour, which I have constructed with the expense of all my strength and money and attached to it a magnificent library, full of valuable Corans and other books and mathematical instruments, which the old Imambarah was wanting, from my own expenses. All these services I have rendered to the Imambarah during my incumbency of the last 37 years, have sprung from a sincere wish to add, according to my humble ability, to the glory of the British name in India.

Succeeding, however, not only in finishing the works I had to do for the Imambarah, but also to procure a successor agreeably to the rulings of the Board, and feeling myself unable to serve Government any longer, I had the honour to apply again for a pension, which was on the 9th of July last. But the Hon'ble Board of Revenue have declared, in the present occasion, that they can do nothing with regard to the pension and successor until they have obtained the final orders of Government on a reference made regarding the appointment of the Committee of Management under Act XX of 1863. First, it must be considered that nothing but the impracticability of the said Act might have prevented the Board from carrying it into effect during the last 11 years. Again, whether the Act be carried into effect, and the Committee be appointed or not, it has nothing to do with my pension.

I should also bring to your notice that the Collector of Jessore has discontinued the custom of sending me the accounts of the endowment property in Jessore, though it was at the special direction of Government, that it was required to be done so; and myself, having a ninth share in the income, can come to know nothing about it.

I, therefore, hope you will be kindly so pleased as to forward this my humble letter to His Honour the Lieutenant-Governor, that a pension may thereby be soon granted to me.

No. 136A.

BOARD OF REVENUE.

13th March 1875.

To

The Secretary, Government of Bengal,
Revenue Department.

SIR.

In continuation of this office No. 64 A., dated the 8th March 1875, I am directed by Member-in-charge to forward for disposal the two applications received by the Board from

1. Syed Zynuddin.
2. Agha Mohammad Taki Sherazee.

the persons named on the margin for the post of a Mutwalli of the Hooghly Imambarah in the event of the retirement of the present incumbent.

I have, etc.,

(Sd.) ILLEGIBLE,
Offg. Secretary.

No. 701, dated Calcutta, the 18th March 1875.

From—H. J. S. Corron, Esq., Officiating Junior Secretary to
the Government of Bengal, Revenue Department,

To—Officiating Secretary to the Board of Revenue, Land Revenue
Department.

I am directed to acknowledge the receipt of your letter No. 64A., dated the 8th February 1875, and, with reference to the 3rd and 4th paragraphs, to say that the Lieutenant-Governor is pleased to sanction the grant to Syud Karamat Ali, Mutwalli of the Imambarah at Hooghly, of a pension of Rs. 3,775 per annum, equal to a moiety of his average salary, for the last ten years, payable from the surplus revenue of the four-ninths share of the Mahomed Mohsin Endowment Fund, and that, in recognition of the political services of the Mutwalli, a recommendation will be made to the Government of India for such a further grant as may bring up the amount of his pension to Rs. 5,000 annually.

2. With regard to the appointment of a successor to Syud Karamat Ali, the Lieutenant-Governor concurs with the Member in charge in thinking it reasonable that full weight should be given to any recommendation which the Mutwalli may make, and His Honour has seen a written statement from the Mutwalli addressed to Moonshee Ameer Ali, nominating his (Ameer Ali's) son as successor. While Sir Richard Temple would be disposed to cast the responsibility of selection of the Mutwalli, he requests that Mr. Schalch will communicate with Karamat Ali as to his present wishes in the matter, and also consider the eligibility of the persons named in the margin, whose

Nawab Falik-id-Dowlah, of
Garden Reach, an officer in the
service of the ex-King of Oudh.

Syud Ashruf Ali, a pleader of
Bhagulpore, who states that his
father was formerly Mutwalli.

^c Not traceable.

applications* are enclosed. The Hon'ble Nawab Syud Ashgur Ali has also verbally expressed his willingness to accept the post. After taking these and other applications that may have been made to the Board into consideration, the Lieutenant-Governor desires that he may be favoured with the final opinion of the Member in charge as to the person on whom the office of Mutwalli should be conferred. The person selected should be a Mahomedan of the Sheeah persuasion possessed of both literary and business qualifications and acceptable to the Mahomedan community generally.

No. 703, dated Calcutta, the 18th March 1875.

From—H. J. S. Cotton, Esq., Officiating Junior Secretary to the
Government of Bengal, Revenue Department,

To—The Secretary to the Government of India,
Department of Revenue, Agriculture and Commerce.

I am directed to submit, for the favourable consideration and orders of the Government of India, copies of the papers noted in the margin* relating to the proposed grant of a pension to Syud Karamat Ali, the present Mutwalli of the Imambarah at Hooghly.

* Extracts paragraphs 2-5 from a letter No. 64 A, dated the 8th March 1875, from the Board of Revenue, with copies of its enclosures.

2. The applicant. it will be seen, has held the office of Mutwalli for a period of 37 years, and conducted his duties to the entire satisfaction of his superiors. He has always borne a good character, and appears to be now incapacitated by old age for further active service. The Local Agents and the Board of Revenue recommend him a pension of Rs. 3,775 per annum, equal to a moiety of his average salary for the last ten years, payable from the surplus revenue of the four-ninths share of the Mahomed Mohsin Endowment Fund, and the Lieutenant-Governor in consideration of the excellent services rendered by this old and faithful servant of the State in his capacity of Mutwalli has sanctioned the proposal.

3. As, however, Syud Karamat Ali considers himself entitled to a pension equal to the full amount of his salary, on the ground not only of his service of 37 years, but also on account of his previous political services in Persia and at Cabul (as detailed in his letter of the 19th December 1874 to the Local Agents), and as these latter services were rendered to the Government of India, the Lieutenant-Governor has confined his action to granting the above pension of Rs. 3,775 per annum to the applicant for his services as Mutwalli; but considering that he has special claims on Government for his services prior to his appointment to the charge of the Imambarah, His Honour would recommend that his Excellency the Governor-General in Council may be pleased to sanction a further grant to him from General Revenues, which would bring up the amount of his pension to Rs. 5,000 per annum.

REVENUE DEPARTMENT.
Land Revenue.

No. 712.

From

H. J. S. COTTON, Esq.,

Acting Junior Secretary to the Government of Bengal,

To

The Offg. Secretary to the Board of Revenue in the Land
Revenue Department.

Calcutta, the 19th March 1875.

SIR,

I am directed to return herewith the applications (submitted with your letter No. 136A, dated the 13th March 1875) of Syud Zainuddin and Aga Mahomed Takee Sherazee for the post of Mutwallee of the Hooghly Imambarah, and to beg that they may be considered with your reply to my letter No. 701 of the 18th instant regarding the grant of a pension to the present Mutwalli Syud Keramat Ally and the appointment of a successor.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Acting Junior Secretary to the Government of Bengal.

Endorsement No. 749, dated 24th March 1875, from the Government of Bengal to the Board of Revenue forwarding for consideration and report by the Member-in-charge in continuation of Government Order No. 712, dated 19th March 1875, a Persian petition* in original regarding the appointment of a successor to Syed Keramat Ali, Mutwalli of the Imambarah, from the Moghol Shia Community of Calcutta.

* An English translation is enclosed with letter No. 12T., dated 14th April 1875, from the Commissioner of Burdwan to the Board of Revenue.

The HON'BLE SIR RICHARD TEMPLE, K.C.S.I.,
Lieutenant-Governor of Bengal, etc.

HON'BLE SIR,

Being given to understand that the place of Mutwalli, Hooghly Imambara, has fallen vacant, most respectfully do I beg to offer my services as a candidate for the same.

As respects my antecedents and qualifications I beg to refer your Honour to the statements made by Moulvi Syed Karamat Ali, late Mutwalli, Hooghly Imambara, with regard to my noble parentage at Tehran in Persia and their final settlements in this country on the occasion of my having been appointed as one of the three managers to look after the Sayudpur trust property, Hooghly Imambarah. This, I believe, will give Your Honour every satisfaction as to those points. That I further beg to add that my late respected father had been the Mutwalli of the Imambara at Chinsurah supported by a small Zamin-dari in the district of Hooghly for a period of 40 years. That after his demise I discharged the functions of the trust devolved on me, for about 24 years with great integrity and faithfully. That I have at present made over the trust to my eldest son and that my long residence at this place has given me ample opportunities of acquainting myself with the affairs of the Hooghly Imambarah.

Under such circumstances, should it please Your Honour to confer on me the post of Mutwalli, Hooghly Imambarah, I shall afford every satisfaction through the local authorities and in return, I need not say, I will be highly grateful.

I beg to remain,

HONOURABLE SIR,

Your most obedient and humble servant.

(Sd.) AGA ABBAS TEHRANEE.

CHINSURA,
27th March 1875.

No. 798.

Forwarded to the Secretary to the Board of Revenue, Land Revenue Department, in continuation of this office No. 749, dated the 24th March 1875.

By order of the Lieutenant-Governor of Bengal,

(Sd.) ILLEGIBLE,

Acting Junior Secretary to the Government of Bengal.

REVENUE DEPARTMENT,
CALCUTTA,

The 31st of March 1875.

No. 209 A., dated. Fort William, the 8th April 1875.

From—J. GEOGHEGAN, Esq., Offg. Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

In reply to your office letter No. 238, dated 30th January 1875, and with reference to previous connected correspondence, I am directed to forward for the consideration and orders of His Honour the Lieutenant-Governor, the accompanying copy of a letter No. 1178, dated 23rd ultimo, from the Commissioner of Burdwan, with its enclosures, from which it will be seen that the Judge of Hooghly has rejected the application made on the part of Government for the appointment of Mirza Wahid Ali as a member of the Committee under Act XX of 1863 at Hooghly in the place of Kasim Ali deceased.

2. It is not for the Member in charge to criticise the decision of the Civil Judge, and it must, Mr. Schaleh presumes, be accepted. If this be so, it appears to follow that no committee has ever been appointed, for there never was (and indeed never could be) a man of the name of Kapur Ali, and three is the minimum number of which a committee under the Act can consist. If, therefore, one of the three appointed was an impossible nonentity, no committee has been constituted.

3. Under this view the Member in charge was about to propose that a committee should now be appointed *de novo*, consisting of Munshi Amir Ali, Agha Abbas Tehrani, and Mirza Wahid Ali. But with your office endorsement No. 798, dated 31st ultimo, was received an application from Agha Abbas offering himself as a candidate for the post of agent of the Imambara. The combination in one person of the functions of member of a committee under Act XX of 1863, and of manager or superintendent of any religious establishment for which such committee shall have been appointed, is strictly forbidden by section 11 of the Act. In the spirit of that section it appears to the Member in charge doubtful whether a candidate for the office of superintendent should be nominated to a committee. I am, therefore, to refer the matter for the orders of Government.

4. I am to take this opportunity to point out that when once a committee is constituted, it will be for such committee to appoint a successor on the occurrence of a vacancy in the office of superintendent. This is evident if section 7, Act XX of 1863, be read together with sections 13 and 14, Regulation XIX of 1810.

No. 1178, dated Burdwan, the 23rd March 1875.

From—C. T. BUCKLAND, Esq., Commissioner of the Burdwan Division,

To—The Secretary to the Board of Revenue, Lower Provinces

With reference to the orders of Government forwarded with your No. 67A., dated 8th February, I have the honour to submit for the information of the Board of Revenue, copy of a letter No. 855 of the 4th instant and of its enclosure, from the Collector of Hooghly, from which it will be seen that the Government Pleader's application to the Judge of the district for the appointment of Mirza Wahid Ali as a member of the Committee for the management of the Syedpur Trust Estate, has been refused.

2. As the application to the Court has failed, I request that you will inform me what course the Board of Revenue would now propose to adopt.

No. 855, dated, Hooghly, the 4th March 1875.

From—A. WEEKES, Esq., Officiating Collector of Hooghly,

To—The Commissioner of the Burdwan Division.

In reply to your No. 982 of the 16th ultimo, I have the honour to state that the Judge has found that he has no jurisdiction to fill up the vacancy caused by the death of Mirza Kasim Ali, as he was not one of the committee appointed by Government by a notification in the official Gazette. A copy of the Judge's decision is herewith forwarded.

2. It would seem that as Mirza Kasim Ali was not gazetted and that as there was no such man as Mirza Kapur Ali, the minimum number of members allowed under section 7 of Act XX of 1863, was not appointed, and the Government can, under such circumstances, appoint a third member the provisions of section 10 not being applicable yet.

DECISION OF H. T. PRINSEP, Esq., JUDGE OF HOOGHLY.

Dated Hooghly, the 26th February 1875.

By a notification dated 29th July 1871, and published in the *Calcutta Gazette* of 2nd August 1871, the Lieutenant-Governor under sections 7 and 8, Act XX of 1863, appointed the following gentlemen to be members of a Committee of Trustees to that portion of the proceeds of the Syedpur estate which has been appropriated to religious uses :—

- 1 Munshi Amir Ali, Khan Bahadur,
- 2 Mirza Kapur Ali,
- 3 Agha Abbas Tehrani.

Application is now made to this court to appoint a member to fill the vacancy caused by the death of Kasim Ali, and it is stated that the name of Mirza Kapur Ali, which appears in the notification, in the Government Gazette, is a misprint for Kasim Ali. Whether this was a misprint or not I am not competent to decide. I am bound to take the Government Gazette as it stands uncorrected. The law requires that the appointment of the committee shall be notified in the official Gazette, and I cannot on a motion now made about 3½ years after the publication of that notification, accept any explanation that there was a misprint, and act upon such a representation to fill up an appointment which has never really been made by notification in the official Gazette. Under these circumstances, I am of opinion that I have no jurisdiction to fill up the vacancy which has occurred by the death of Kasim Ali since Kasim Ali was not one of the Committee appointed by Government notification in the official Gazette.

In explanation of the proceedings taken in this matter I would state that this point was not prominently brought to the notice of this court until very recently. Application refused.

From

C. T. BUCKLAND, Esq.,
Commissioner, Burdwan Division,

To

The Secretary to the Board of Revenue, L. P.,

The 14th April 1875.

SIR,

I have the honour to return the petition received with your No. 139A., of the 29th ultimo with a translation of it which has been made in this office and to observe that I do not feel myself competent to offer an opinion on the vague objections which are raised by the petitioners regarding the rights of the Shea sect of Mahomedans, nor do I suppose that the Government would wish that the Mutwallee of the Hooghly Emambarah should be called on for an explanation seeing that the petitioners state that they have for so many years acquiesced in his proceedings on the ground that he is a most learned and well-qualified man, and has performed his duties honestly and faithfully.

2. It is beyond my province to offer any remarks on the imputations cast upon the Government by the petitioners in regard to the general management of the Endowment. The petitioners are not known to me personally and I have no reason to believe that they represent the feelings of any large or local body of Mahomedans.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,
Commissioner.

Translation of the Persian petition.

The humble petition of the Mogul ryots of the Shiah sect of Calcutta, sheweth :—

That Hajee Mohamed Mohsin (blessing of God be upon him) of Hooghly belonged to the Shea creed. He made a waqf of his Zemindarees, and properties to meet the expenses of the Imambarah, the cemetery, etc., and for the welfare of his co-religionists. Soon after his death his Mutwallees and officers began to act partially contrary to the deed of waqf and afterwards the Mutwallees that were appointed one after another followed the same track and deviated more and more from the will of the donor, so that the rights of the

Shiahs were by and by entirely lost sight of, and the services of the teachers, professors and other officials of the Shiah faith were dispensed with. In this way a great confusion with regard to the real object of the donor arose on account of the Mutwallees. Even the Government that took upon itself the charge of the Trust Estate in order to supervise and protect the properties and promote its welfare did not sift into the essential meaning conveyed in the Tauliyatnamah. Although the present Mutwallee has erected many grand edifices and adorned the Imambarah with many crystal and other good furniture, he has however, never considered about the rights of the Shiahs nor has he acted in accordance with the will and intention of the donor. As he was a most learned and well-qualified man, performed his duties honestly and faithfully, and protected the properties of the waqf with much care, we the Shiah Moguls hitherto raised no objection to his acts although they were done against the will of the donor and were detrimental to the interests and rights of the Shiahs. It now appears that the Mutwallee Saheb is disposed to retire from his post and wishes to appoint a person in his place, and that some applications for the post have been received by Government and are about to be taken into consideration. We, the Moguls of the Shiah persuasion, therefore, beg to bring to the notice of the Government that from the beginning up to the present date which is a long time, everything has all along been done contrary to the Tauliyatnamah and the purpose of the donor, and to the injury of the Shiahs, and that the rights of the servants, dependants and the noble co-religionists of the donor have been disregarded. It was not expected from the Government that the share of a special class should be allowed to be enjoyed by the people of other classes. It would be an intrusion upon the time of Government to enter into a detail of all the acts that have been done contrary to the provisions of the Tauliyatnamah.

As the question about the appointment of a Mutwalli or a Naib Mutwalli or an agent on his part is going to be decided, it is the solicitation of the Shiah ryots (the petitioners) that such appointment of a Mutwalli or a Naib Mutwalli may not be made only with the consent of the present Mutwallee or in compliance with the request of the applicants, the object of the latter being to attain to their own wishes, but that as a rule the Shiah Mogouls may be consulted on this matter that they may consider with much care the claims of the several applicants, and having selected two persons from amongst them or other qualified persons may report to the Government, that all the works, expenses etc., may be managed by four respectable Mogouls and the present Mutwalli Saheb who may be made to act as trustees, the chief favour of the Government being to supervise and protect the Estate, and that if at present in the opinion of the Shiahs no one appears to be qualified for the post, an advertisement may be issued that other candidates may forward their applications for the post. In forwarding this petition we the petitioners have not been actuated by any selfish motive or a hope of deriving any assistance benefit from the Trust Estate nor do we entertain any future hopes

for ourselves. But as it is a religious matter and as the welfare of the whole sect of the Shiah is concerned in it we are bound to forward this petition praying justice from Government. Although this petition has been signed by a few of the Moguls, it has been drawn up with the consent of all the Moguls and of all the people of the Shiah creed. Dated the 20th March 1875.

Signatures :—

1. Abul Kasem Kashanee.
2. Shaikh Mohammad Jilani.
3. Mirza Abdul Karim Shirazee.
4. Syud Saduq Shostari.
5. Mirza Amed Khorasani.
6. Hajee Mohamed Ishpahanee.
7. Aga Mehdi Shirazi.
8. Syed Ahmad Behboni.
9. Aga Mohamed Ali Shirazi.
10. Mir Mohamed Kazem Jowharee.
11. Syud Abdool Rasool Ishpahanee.

No. 979, dated Calcutta, the 20th April 1875.

From—The Officiating Secretary to the Government of Bengal,
Revenue Department,

To—The Officiating Secretary to the Board of Revenue in the
Land Revenue Department.

I am directed to acknowledge the receipt of your letter No. 209A. of the 8th instant, with enclosures reporting the decision of the Judge of Hooghly regarding the appointment of Mirza Wahid Ali as a member of the Committee for the management of the Syudpore Trust Estate.

2. In reply, I am to say that the Lieutenant-Governor concurs with the Member in charge in thinking that the practical effect of the decision of the Judge is to declare that no committee was ever constituted and that it is consequently open to Government now to appoint a committee. It however, appears to the Lieutenant-Governor undesirable to limit the number of the committee to three individuals which is the minimum allowed in section 7 of Act XX of 1863, and the Member in charge is, therefore, requested to submit, for the orders of Government the names of five gentlemen properly qualified to be members of the committee.

3. As section 11 of the Act strictly prohibits a member of the Committee holding the office of manager, it should be ascertained from Agha Abbas Tehirani whether he is willing to be nominated as a member of the Committee, on the understanding that in the event of his being appointed by Government as a member of the committee he will not be eligible for appointment as manager.

4. I am also to request an early reply to paragraph 2 of Government order No. 701 of the 18th March 1875.

From

C. T. BUCKLAND, ESQ.,
Commissioner of the Burdwan Division,

To

The Secretary to the Board of Revenue, L. P.

Dated the 6th May 1875.

SIR,

With reference to your No 127, dated 22nd March and your No. 187, dated 20th April, I have the honour to submit for the information of the Board copy of a letter No. 43, dated 29th ultimo with its enclosures in original, from the Local Agents for Hooghly.

2. On the receipt of the orders of the 22nd March, I requested the Local Agents for Hooghly to institute inquiries as to the qualifications and antecedents of each of the candidates named in those orders, and to ascertain and report how far each applicant would be acceptable to the present Mutwalli, Moulvi Karamut Ali as his successor.

3. The report submitted by Mr. Weekes, in the absence of the other Local Agent, Mr. Meres, gives the information which he has been able to obtain regarding the several candidates and also expresses the opinion of the Mutwalli regarding them, in which it will be seen that the Mutwalli is strongly in favour of Ashrafuddin, the son of Moonshee Ameer Ali.

4. I had been fully prepared to give such support as my recommendation might carry to Ashrafuddin, who seemed to me to have several important qualifications for the appointment, in spite of his comparative youth: but I am taken by surprise at finding that he has only lately become a Shiah and that his father, Munshee Ameer Ali and his brothers are still Soonnies. I fear that this must be deemed an insuperable obstacle to his appointment.

5. Of the other candidates I think that Syed Zainuddin Hosain is the most eligible. He was for a short time Mutwalli before the appointment of Moulvi Karamut Ali. He is a tried servant of Government, and although he is sixty years of age, he still looks strong and vigorous. Moulvi Karamut Ali remarks upon him that he is a most able and experienced man and fit for the post of Mutwalli of this Imambara. It seems to me that the appointment of Syed Zainuddin Hosain is desirable and unobjectionable.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd) C. T. BUCKLAND,

Commissioner.

No. 43.

From

The Local Agent, Hooghly,

To

The Commissioner of the Burdwan Division.

Dated. Hooghly, the 29th April 1875.

SIR,

On receipt of your No. 651 of 31st March the Local Agents requested, of the applicants named, the favour of a personal interview at Hooghly, on various dates from the 18th to the 22nd instant: and also ask the Mutwalli to report how far each applicant would be acceptable to him. I also made such enquires as I could.

2. I beg to return the applications herewith as directed.

3. The Local Agents received no answer at all from Nawab Falakud-dowla and the Hon'ble Nawab Syed Asghar Ali wrote to say he was unable to come to Hooghly, all the other applicants came as requested. I proceed to notice, in the order in which they stand, their antecedents and qualifications so far as I am informed and can judge.

4. Ashrafuddin Ahmed, son of Munshi Amir Ali, is quite a young man, too young in my opinion for the post of Mutwalli. He is fresh from school and without experience of business, though his father says he has superintended the management of some of his property. He knows English and Persian, and says he is fond of books, and the Mutwalli who bequeaths to the Emambarah a large library which he has collected at his own expense, a catalogue of which he has lately forwarded with a letter mentioning Ashrafuddin, seems to me to take to Ashrafuddin on that account among others. I consider Ashrafuddin a promising young man. He is gentlemanly in manner; and there is hope that he will grow up as able and loyal as his father in which case he would probably be a worthy successor even of the present Mutwalli. He was a student of the Calcutta Madrasa and of Doveton College. But Moulvi Amir Ali was and all his family are still, I believe Sunnis and this son has only turned Shiah. I hear, lately Munshi Amir Ali's other two sons are still Sunis. This, I think, is an insuperable obstacle to the appointment of Ashrafuddin to the post as it is a strictly Shiah endowment. The Mutwalli must be a Shia.

5. Hon'ble Nawab Syed Ashghur Ali belongs to the family of Nawab Mahomed Reza Khan Bahadur of Chitpore, was educated at the Nizamut College, Murshidabad, in 1862, obtained a Sunud to adopt the title of Nawab. In the beginning of 1866 he went to England, where he stayed 6 or 7 years. He studied for the Bar and was eventually called. He returned to India about two years ago, and was made an Honorary Magistrate and sits occasionally on the Bench. He does not practise. His income is about Rs. 1,400 a month.

6. Nawab Falakuddowlah is son of the late Unjumanddowlah of Lucknow, who held a high position under the *ex*-King of Oudh. Falakuddowlah came to Calcutta in 1856, as a lad, and on the death of his father succeeded him in the charge of the Chundoo Khanah, an office he still holds. The pay of the office is only Rs. 50 per mensem, but a small jaghir made over to his father by the *ex*-King brings him in about Rs. 200 a month. He knows Persian, Urdu, and a little English. I should not go to Garden Reach for a good manager of property.

7. Syed Ashrut Ali was once Sarishtadar for two years of the Judge's Court at Purneah. After that for 35 years he practised with success as a Pleader at Bhagulpur from 11th March 1841. He is an Honorary Magistrate and Municipal Commissioner, and, I believe, a good man of business and respected. His age is 58.

8. Syed Zainuddin was Acting Mutwalli of this very Imambarah for 10 months before the present Mutwalli was appointed. He says he had the support of one of the members of the Board of Revenue, but that the Senior Member supported Syed Keramat Ali. He has since been a Deputy Magistrate from 1838. Though 60 years of age he still looks strong and vigorous.

9. Agha Mohamed Taki Shirazi is a Persian by race. He at present resides at Benares, is a merchant, and trades between his native country and India. He was educated at the Benaras College (Joynarayan's) and knows Persian as his native tongue, a little Arabic and also speaks English very well. He is 38 years of age, and seems an enlightened and intelligent man and has most probably good business qualifications. He is, I believe, well connected and would have the confidence of the Shiah sect, which no Sunni could ever possess. He is of the same race as the founder, a Persian, and would not bring to the office the generally narrow bigoted semi-Hindooized spirit of the Mahomedans of this Peninsula.

10. The present Mutwalli is, I am sorry to say, very old and infirm and should soon be relieved as he desires to be. He seems to have got his choice solely on Ashrafuddin. He says "I selected him simply because at the time of nominating him I found none better qualified for the office. Owing to my frequent interviews with his father, Munshee Amir Ali Khan Bahadur both in Hooghly and Calcutta since my arrival here, I have had ample opportunities to judge of the merits and capacities of the said Ashrafuddin whom I found from his very infancy to be an intelligent, frugal and well behaved young gentleman of good moral character and of Mahomedan appearance, and though I do not prefer him in point of ability and experience, yet being a young and active man, I believe he will administer well and try to keep up the dignity of the Emambarah which for the last 37 years I have helped to create with the service of my mind and body, and will likewise take care of the library I have attached to it. The business of the Emambarah being clearly set forth and perfectly arranged by me in a systematic form, it will be quite easy for him to get mastery of them

within a very short time, and should he still come to any difficulty, his father who understands the business of this Emambarah too well and is yet healthy and strong, well help him out and guide him in his future dealings with the Emambara affairs.

As for Maulvi Zainuddin Hossain I do not hesitate to confess that he is a most able and experienced man and fit for the post of the Mutwalli of this Emambarah, but as at the time of nominating my successor, he was on duty I could not even form idea of his giving up his post for the office of the Mutwalli. I must remark here also that the only thing that goes somewhat against him, is his age, which is now upwards of sixty years, and will soon entitle him to a pension like me.

Honourable Nawab Syed Ashghur Ali is of course a very great and rich man, but I had not the honour of knowing him before, nor I am fully acquainted with all his merits even now after holding interviews with him some time ago.

As for the other candidates, they do not seem to me fit for the post."

11. I was thinking, the disadvantages of the son's inexperience and youth could be remedied with the help of the father Moonshi Amir Ali's experience and ability; but if he, as I understand, was originally a Sunni, and if his family are still Sunis, this would be highly objectionable and might led to innumerable quarrels and much ill-feeling, if not more serious complications. The Shias would ill brook the slightest interference of one connected with Sunnis and they would probably consider Ashrafuddin in the same light. This is what I apprehend, but I am possibly wrong in anticipating any such prejudices, especially as Munshi Amir Ali is very well-known and bears a very high character.

I have, etc.,

(Sd.) A. WEEKES,

Local Agent.

No. 88.

From

C. T. BUCKLAND, Esq.,
Commissioner of Burdwan,

To

The Secretary to the Government of Bengal,
Revenue Department.

The 13th May 1875.

SIR,

I have the honour to submit copy of a letter No. 36, dated 23rd April, from the Local Agents, Hooghly, and a letter in original from the Mutawalli of the Hooghly Emambarah, addressed to the Government of India with four copies of the manuscript catalogue of the books of which the Mutawalli has made a gift to the Emambarah.

2. I recommend that the offer of the Mutawalli may be accepted and duly acknowledged by Government.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,
Commissioner.

No. 36.

From

The Local Agent, Hooghly,

To

The Commissioner of the Burdwan Division.

Dated Hooghly, the 23rd April 1875.

SIR,

With his letter of the 22nd instant, the Mutwalli of the Hooghly Imambara has sent to this office a letter, with a copy of the catalogue of the library he has made a waqf of to the Emambarah addressed to the Secretary to his Excellency the Viceroy and Governor-General of India, and also four more copies of the catalogue, one copy for yourself, one for the Board, one for the Government of Bengal and the fourth for the Local Agents. The Mutwalli requests that the letter and the copies of the catalogue may be sent through the proper channel to the address.

2. I have the honour, therefore, to send herewith the letter and four copies of the catalogue and to beg that the request of the Mutwalli may be carried out.

I have, etc.,

(Sd.) A. WEEKES,
Local Agent.

From

C. T. BUCKLAND, Esq.,
Commissioner of Burdwan,

To

The Secretary to the Board of Revenue, L. P., Calcutta.

The 28th May 1875.

SIR,

With reference to your No. 225A., dated 10th instant, I have the honour to submit copy of a letter No. 68 of the 18th idem from the Local Agent of Hooghly reporting that Agha Abbas Teharini desires to stand as a candidate for the appointment of Mutwalli of the Hooghly Emambarah in preference to his nomination as a Member of the Committee of Management for that institution under the provisions of Act XX of 1863.

2. As regards the qualifications of the applicant Agha Abbas, I regret to state that I know nothing.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,

Commissioner.

No. 68.

From

A. WEEKES, Esq.,
Local Agent, Hooghly,

To

The Commissioner of the Burdwan Division,

Dated, Hooghly, the 18th May 1875.

SIR,

With reference to your letter No. 39 of the 13th instant, forwarding copy of a letter from the Officiating Secretary to the Board of Revenue No. 225A., dated the 10th idem, I have the honour to report that Agha Abbas Tehirani prefers to stand a candidate for the post of Mutwalli giving up the appointment of the member of the Committee under Act XX of 1863.

2. The Agha is a Persian by race and otherwise qualified for the post of the Mutwalli, but appears to me rather too old, though I consider the successor of Syed Keramat Ali, should be rather above than under middle age.

The Mutwalli Syed Keramat Ali, does not seem to be well disposed to the Agha now, though in 1870, he wrote favourably of him and recommended him for the post of member of the Committee.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) A. WEEKES,

Local Agent.

Forwarded to the Board of Revenue, Land Revenue Department, for disposal in continuation of Government order No. 749, dated the 24th March 1875, and with reference to Mr. Geoghegan's letter No. 302A, dated the 13th May.

By order of the Lieutenant-Governor of Bengal,

(Sd.) ILLEGIBLE.

Offg. Secretary to the Government of Bengal.

Revenue Department,

Land Revenue,

Calcutta,

The 31st May 1875.

149, LOWER CHITPORE ROAD,

CALCUTTA,

13th May 1875.

To

The HON'BLE SIR RICHARD TEMPLE, K.C.S.I., Lieutenant-Governor
of Bengal,

HON'BLE SIR,

I beg most respectfully to offer myself as a candidate for the post of Mutwally of the Hooghly Imambarah, which post am informed will shortly be vacant owing to the resignation of the present occupant.

With Your Honour's favourable permission I beg to state my humble position in the Persian society of Calcutta. I am a son of the late Agha Mir Ekram Ali, and son-in-law of Agha Mirza Mehdi Meshkee deceased, both of whom were highly and well-known respected merchants of Calcutta and I, my poor self am a known member of the Persian community of Calcutta, and have a complete knowledge of the Persian and Urdu languages and can read and write correctly and fluently Persian, Arabic and Urdu.

Further, I am well acquainted with the method of conducting the business of Emambarahs and can perform the duties of Mutwalli honestly and satisfactorily as I have for a long time managed and conducted the affairs of my own ancestral Emambarah (an institution with which Your Honour doubtless has some acquaintance as the processions from the same are the subject of great interest in Calcutta).

In conclusion, I beg most respectfully to refer Your Honour to the following gentlemen who have expressed their willingness to certify to my abilities and character (viz.) :—

The Hon'ble G. C. Paul (Officiating Advocate-General), Thomas A. Apear, Esq. (merchant of Calcutta) and Manockjee Rustamjee, Esq., (Persian Consul, Calcutta).

Under the above circumstances I beg most respectfully to commend my application to Your Honour's favourable and kind consideration and to have assured Your Honour that in the event of my being appointed to the vacant post, I shall use my very best endeavours to do my duty and to perform the duties of the office with care, attention and in a satisfactory manner.

I have the honour to be,

HON'BLE SIR,

Your most obedient servant,

(Sd.) AGA MEER NAWAB.

GOVERNMENT OF BENGAL.

Revenue Department.

31st May 1875.

No. 1326.

To

The Secretary to the Government of India,
Departments of Revenue, Agriculture and Commerce.

SIR.

I am directed to submit for the favourable consideration and orders of His Excellency the Governor-General in Council, the accompanying copy of a letter* from the Commissioner of Burdwan, with enclosures, together with the letter† in original therein referred to, from Saiyid Keramut Ali, the present Mutwallee of the Imambarah at Hooghly, to the address of the Government of India, in which the Mutwallee intimates his wish to give to the Imambarah a valuable library. a catalogue of which he has forwarded with the letter.

* *Vide* foregoing correspondence.

† Dated 22nd April 1875.

2. The Lieutenant-Governor would support the Commissioner's recommendation that the Mutwallee's offer should be accepted and suitably acknowledged by Government. It also appears to His Honour that the Mutwallee might properly receive an assurance that his wishes will be strictly attended to as regards the custody of the books which he has so liberally presented to the Imambarah.

As regards the appointment of a successor to Syud Keramut Ali I am to say that the Syud's nomination of the son of Moonshee Ameer Ali, Khan Bahadur, has been referred to the Board of Revenue for consideration and report with instructions that full weight should be given to the Mutwallee's recommendation.

4. With respect to paragraph 2 of the Mutwallee's present letter I am to explain that the old library of the Imambarah has been removed to the Hooghly College only for better custody and preservation, and that what is spoken of as the breaking up of the college and the distribution of the funds for other objects is in fact only an appropriation of a part of the surplus funds of the Syudpore Trust Estate to general purposes of Muhammadan Education under a scheme which had received the previous assent of the Government of India in the Home Department.

I have, etc.,
(Sd.) ILLEGIBLE.

GOVERNMENT OF BENGAL.

Revenue Department.

Dated the 31st May 1875.

No. 1327.

*Not traceable.

Copy of the correspondence and of the catalogue* referred to forwarded to the Board of Revenue, Land Revenue Department, for consideration of the last paragraph of the Mutwallie's letter cited herein, in continuation of Government Order No. 701, dated 18th March 1875.

(Sd.) ILLEGIBLE.

No. 349A., dated Fort William. the 5th June 1875.

From—J. GEOGHEGAN Esq., Offg. Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

I am directed, with reference to your endorsement No. 749 of the 24th March, forwarding a petition from the Moghul Shiah community of this city, regarding the appointment of a successor to the present Mutwalliee of the Hooghly Imambarah, to submit the report therein called for.

2. The petitioners, premising that the rights of the Shiahs had been, owing to the misconduct of the Mutwalli, gradually lost sight of, pray that, on the retirement of the present Mutwalli whom they describe as “a most learned and well-qualified man, and one who performs his duties honestly and faithfully,” they may be consulted in the appointment of his successor and be allowed to nominate two competent persons for the selection of Government.

3. Applications for the appointment have been received from the following gentlemen :—

1. Ashrafuddin Ahmed.
2. The Hon'ble Nawab Saiyid Asghar Ali.
3. Nawab Falakuddaulah.
4. Saiyid Ashrat Ali.
5. Saiyid Zainuddin.
6. Aga Muhammad Taki.

These applications were forwarded to the Commissioner, who directed the Local Agent “to institute enquiries as to the qualifications of each of the candidates, and ascertain and report how far each applicant would be acceptable to the present Mutwalli, Maulvi Keramat Ali.”

The Local Agent reported thus :—

“Ashrafuddin Ahmad, son of Munshi Ameer Ali, is quite a young man ; too young in my opinion, for the post of Mutwalli. He is fresh from school and without experience of business, though his father says he has superintended the management of some of his property. He knows English and Persian, and says he is fond of books and the Mutwalli, who bequeathes to the Imambara a large library, which he has collected at his own expense (a catalogue of which he has lately forwarded, with a letter mentioning Ashrafuddin), seems to me to take to Ashrafuddin, on that account among others. I consider Ashrafuddin a promising young man. He is gentlemanly in manner, and there is hope that he will grow up as able and loyal as his

father, in which case he would probably be a worthy successor, even of the present Mutwalli. He was a student of the Calcutta Madrasa and of the Doveton College. But Munshi Amir Ali was, and all his family are still, I believe, Sunnis, and this son has only turned Shia, I hear, lately. Munshi Amir Ali's other two sons are still Sunnis. This, I think, is an insuperable obstacle to the appointment of Ashrafuddin to the post, as it is a strictly Shiah endowment. The Mutwalli must be a Shiah."

"Hon'ble Nawab Sayid Ashghar Ali belongs to the family of Nawab Muhammad Raza Khan Bahadur of Chitpore, was educated at the Nizam College, Murshidabad, in 1862, obtained a sunud to adopt the title of Nawab. In the beginning of 1866, he went to England, where he stayed six or seven years. He studied for the bar, and was eventually called. He returned to India about two years ago, and was made an Honorary Magistrate, and sits occasionally on the Bench. He does not practise. His income is about Rs. 1,400 a month."

"Nawab Falakuddaulah is son of the late Anjamundaulah of Lucknow, who held a high position under the *ex-King* of Oudh. Falakuddaulah came to Calcutta in 1856 as a lad and on the death of his father succeeded him in the charge of the Chundookhanah, an office he still holds. The pay of the office is only Rs. 50 per mensem, but a small jaagir made over to his father by the *ex-King* brings him in about Rs. 200 a month. He knows Persian, Urdu, and a little English; I should not go to Garden Reach for a good manager of property."

"Sayid Ashrat Ali was once serishtadar for two years of the Judge's court at Purneah. After that for 35 years he practised with success as a pleader at Bhagalpore from 11th March 1841. He is an Honorary Magistrate and Municipal Commissioner, and, I believe, a good man of business and respected. His age is 58."

"Saiyid Zainuddin was Acting Mutwalli of this very Imambarah for ten months before the present Mutwalli was appointed. He says he had the support of one of the members of the Board of Revenue, but that the Senior Member supported Sayid Karamat Ali. He has since been a Deputy Magistrate from 1838. Though 60 years of age he still looks strong and vigorous."

"Agha Muhamad Taki Shirazi is a Persian by race. He at present resides at Benares, is a merchant, and trades between his native country and India. He was educated at the Benares College (Jaynarain's), and knows Persian as his native tongue, a little Arabic and also speaks English very well. He is 38 years of age, and seems an enlightened and intelligent man, and has most probably good business qualifications. He is, I believe, well connected and would have the confidence of the Shiah sect, which no Sunni could ever possess. He is of the same race as the founder, a Persian, and would not bring to the office the generally narrow bigoted semi-Hindooized spirit of the Mahomedans of this peninsula."

5. In forwarding the report the Commissioner observes :—

“I had been fully prepared to give such support as my recommendation might carry to Ashrafuddin, who seemed to me to have several important qualifications for the appointment in spite of his comparative youth; but I am taken by surprise at finding that he has only lately become a Shiah, and that his father, Munshi Amir Ali, and his brothers, are still Sunnis. I fear that this must be deemed an insuperable obstacle to his appointment.

“Of the other candidates, I think that Sayid Zainuddin Hussain is the most eligible. He was for a short time mutwalli before the appointment of Maulvi Karamat Ali. He is a tried servant of Government and although he is sixty years of age, he still looks strong and vigorous. Maulvi Karamat Ali remarks upon him that he is a most able and experienced man, and fit for the post of Mutwalli of this Imambara. It seems to me that the appointment of Sayid Zainuddin Hussain is desirable and unobjectionable.”

6. Subsequent to these reports Agha Abbas Teherani, a member of the Committee for control of the Imambara under Act XX of 1863, expressed his desire to stand as a candidate, giving up his appointment as a member of the Committee. Of this gentleman the Local Agent writes :—

“The Agha is a Persian by race, and otherwise qualified for the post of the Mutwalli but appears to me rather too old, though I consider the successor of Sayid Karamat Ali should be rather above than under middle age.

“The Mutwalli, Sayid Karamat Ali does not seem to be well-disposed to the Agha now, though in 1870 he wrote favourably of him, and recommended him for the post of member of the Committee.”

7. On the 1st of this month an application on the part of Agha Mir Nawab was received from your office; but as the matter has been long pending, the Member in charge has not thought it advisable to delay this report, pending a reference to the Committee and Local Agent in regard to that gentleman's qualifications.

8. Giving due consideration to the reports above quoted, the Member in charge would but for one reason give the preference to Sayid Zainuddin. He is a gentleman of good family, perfectly honest, with a good knowledge both of the English and Arabic literature, and has acted in the appointment of Mutwalli during the absence on leave of the present incumbent. Unfortunately he is advanced in years, having retired some time ago from the service of Government as a Deputy Collector on attaining the limit of 55 years. His age, Mr. Schaleh fears, is an insuperable objection to this appointment, otherwise he would strongly recommend his being selected.

9. The candidate whom the present Mutwalli desires to be appointed is Ashrafuddin Ahmad, the son of a well known and greatly respected gentleman, Munshi Amir Ali. Though somewhat young he appears to be well qualified for the appointment; and, on the recommendation of the Mutwalli, to which the Government would, no doubt

desire to give much weight, the Government would have a guarantee that the duties of the office would be honestly performed. It is stated by the Local Agent and the Commissioner that he has lately joined the Shiah sect, his father and all his family being Sunnis. The Member in charge finds, however, on enquiry from Munshi Amir Ali, the father of the candidate, that he and all his family are and always have belonged to the Shiah sect, and the Member in charge, therefore, recommends him for the appointment.

10. But in case Saiyid Zainuddin should be considered ineligible on the score of age, and the recommendation in favour of Ashrafuddin be not approved, the Member in charge would nominate two of the remaining candidates for the approval of Government, namely, Nawab Sayid Ashghar Ali and Agha Muhammad Taki Shirazi. The former was brought up at the Nizamat College at Moorshedabad, where he acquired a knowledge of the Arabic and Persian languages, and has spent many years travelling in Europe and studying for the bar, to which he has been called. He is of middle age, over 30, and has been honoured by a seat in the Council of the Lieutenant-Governor of Bengal. He would, Mr. Schaleh thinks, prove himself useful and active in the appointment. The latter was educated at the Benares College, and speaks English well and fluently. The Member in charge was much pleased in his interview with him, with his intelligence. From the knowledge he has acquired in his profession as a banker in Benares, he would, no doubt, prove a useful man of business.

11. To sum up, the Member in charge while preferring, but for his age, Zainuddin, would recommend Ashrafuddin as the person selected by the present Mutwalli, and failing him, Nawab Sayid Ashghar Ali, or Agha Mohammad Taki Shirazi, as the successor to Maulvi Karamat Ali for the post of the Mutwalli of the Hooghly Imambara.

P.S.—With reference to the application of Agha Sayid Muhammad Shustri of Bombay, forwarded with your endorsement No. 1407, dated 9th instant, and received in this office after the above report had been drafted, I am instructed to state that Member in charge has no acquaintance with the qualifications of the applicant further than from the letter of the Consul General for Persia, and that he is not inclined to modify the recommendation continued in the body of the report.

No. 1302 T.

From -

The Offg. Junior Secretary to the Government of Bengal,
Revenue Department,

To

The Offg. Secretary to the Board of Revenue.

On tour, dated Darjeeling, the 25th June 1875.

SIR,

I am directed to acknowledge the receipt of your letter No. 349 A., of the 5th instant, submitting a report on the qualifications of the several candidates for the post of Mutwalli of the Hooghly Imambara which is soon to be vacant on the retirement of the present incumbent.

2. In reply I am to state that in compliance with the recommendation of the Member-in-charge, the Lieutenant-Governor is pleased to appoint Ashrafuddin Ahmed, son of Munshi Amir Ali, to be the Mutwalli of the Hooghly Imambara in succession to the present Mutwalli, Moulvi Karamat Ali.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. T. BUCKLAND,

Offg. Junior Secretary to the Government of Bengal.

No. 1076.

From

ARTHUR HORNELL, ESQUIRE,

Offg. Secretary to the Government of India.

To

The Secretary to the Government of Bengal,

Revenue Department.

Simla, the 29th June 1875.

SIR.

I am directed to acknowledge your letter No. 1326, dated 31st instant with enclosures, relative to the offer made by Syed Keramat Ali, Mutwallee of the Imambarah at Hooghly, to present his valuable library to the Imambarah.

2. The Governor-General in Council concurs with the Lieutenant-Governor that the offer should be accepted, and I am to request that it may be suitably acknowledged and that an assurance may at the same time be given to the Mutwallee that the books, manuscripts and instruments will be kept in the Imambarah and every care taken for their preservation.

3. With regard to your 4th paragraph I am to suggest for His Honour's consideration that if there is any strong local feeling on the subject of the removal of the old library of the Imambarah to the Hooghly College, the books might be restored to the Imambarah and brought under the same arrangement as may be made for the preservation of the new library.

I have, etc.,

(Sd). ARTHUR HORNELL,

Offg. Secretary to the Government of India.

No. 309A.

Copy of this* and of the letter to which it is a reply forwarded to the Commissioner of Burdwan, with reference to his No. 135 dated 28th May 1875, and previous correspondence for information and guidance, with the request that he will arrange for the charge of the Imambarah being made over at once to the newly-appointed Superintendent.

* No. 1302 T., dated 25th June 1875, from the Government of Bengal to the Board of Revenue.

By order

BOARD OF REVENUE,
The 1st July 1875.

• (Sd.) ILLEGIBLE,
• Offg. Secretary.

No. 408 A., dated, Fort-William, the 1st July 1875.

Memo by—J. GEOGHEGAN, Esq., Offg. Secretary to the Board of Revenue L. P.

COPY of the following forwarded to the Secretary to the Government of Bengal, Revenue Department, in reply to his letter No. 979, dated 20th April last.

2. The Member in charge recommends the appointment of the five gentlemen named to be members of the Committee for the management of that portion of the proceeds of the Syudpore Trust Estate which is appropriated to religious purposes.

No. 171. dated Burdwan, the 8th June 1875.

From—C. T. BUCKLAND, Esq., Commissioner of the Burdwan Division.

To—The Offg. Secretary to the Board of Revenue, L. P.

With reference to the correspondence forwarded with your No. 195A., of the 26th April 1875, I have the honour to submit, in the annexed list, the names of the five Mahomedan gentlemen who are proposed to form a committee for the management of the Syudpore Trust Estate. They are all recommended by the Motawallee, and are of the Sheah sect and have expressed their willingness to act on the Committee.

2. With regard to paragraph 3 of the Government letter No. 979 of the 20th April 1875, I beg to state that a report was submitted to the Board of Revenue with this office No. 135 of the 28th ultimo.

List of names of the five Mahomedan gentlemen to form a committee for the management of Syudpore Trust Estate.

1. Hon'ble Nawab Asghur Ali Khan, C.S.I., Barrister-at-Law, Honorary Magistrate and Member of the Legislative Council of Bengal.
2. Syed Amir Ali, M.A., Barrister-at-Law practising at the Calcutta High Court.
3. Mir Mahomed Kazem Jowaharee, Zamindar. Tiretta Bazar, Calcutta.
4. Syed Moorteza, Merchant of Behbahan, son-in-law to Hajee Syed Sadeck Shoostary, Merchant at Fouzdari Bala-khana, Calcutta.
5. Mirza Mobarik Ali, *alias* Mirza Amirjan Khoosnavis, nephew to Mirza Solaiman Khan's son, Mirza Nusroollah Khan, the security of Haji Mahomed, the Testator, while making over his property as a permanent waqf to the Imambarah at Joraghat, Hooghly.

GOVERNMENT OF BENGAL.

Revenue Department.

The 9th July 1875.

No. 1699.

To

SYED KARAMAT ALI,

Mutwalli of the Imambarah at Hooghly.

SIR,

With reference to your letter dated the 22nd April 1875, addressed to the Government of India, intimating your wish to give to the Hooghly Imambarah your library, a catalogue of which accompanied your letter, I am directed to say that your offer so liberally made has been accepted; and I am to convey to you an expression of both the Viceroy's and the Lieutenant-Governor's thanks and cordial appreciation of your valuable gift with an assurance that as desired by you, the books, manuscripts and instruments will be kept in the Imambarah and every care taken for their preservation.

I have, etc.,

(Sd.) ILLEGIBLE.

GOVERNMENT OF BENGAL,

Revenue Department.

The 9th July 1875.

No. 1700.

To

The Officiating Secretary to the Board of Revenue,
Land Revenue Department.

SIR,

In continuation of my endorsement No. 1327, dated the 31st May 1875, I am directed to forward an extract (paragraph 3) from a letter^a from the Government of India in the Home Department, and to request that the Lieutenant-Governor may be favoured with a report as to the state of local feeling on the subject of the removal of the library of the Imambarah to the Hooghly College.

2. A letter has this day been addressed to Syed Karamat Ali, accepting and suitably acknowledging his offer to present his valuable library to the Imambarah at Hooghly, and I am to request that the necessary instructions may be issued to the Commissioner to have the books manuscripts and instruments kept in the Imambarah and every care taken for their preservation as desired by the Mutwalli.

I have, etc.,

(Sd.) ILLEGIBLE.

Dated Calcutta, the 20th July 1875.

Notification—By the Government of Bengal.

Under the provisions of sections 7 and 8 of Act XX of 1863, the Lieutenant-Governor has been pleased to appoint the undermentioned gentlemen to be a Committee, in the Hooghly district, to perform the duties imposed by Regulation XIX of 1810 upon the Board of Revenue and the Local Agents of Hooghly, in respect of that portion of the proceeds of the Syedpur Trust Estate which is appropriated to religious uses :—

1. The Hon'ble Nawab Ashgar Ali Khan, c.s.i., Barrister-at-Law.
2. Syed Amir Ali, M.A., Barrister-at-Law.
3. Mir Mahomed Kazem Jowaharee, Zamindar.
4. Syed Moorteza, Merchant.
5. Mirza Mobarik Ali, *alias* Mirza Amirjan Koosh Navis.

No. 1822, dated Calcutta, the 23rd July 1875.

From—The Acting Assistant Secretary to the Government of
Bengal. Revenue Department,

To—The Officiating Secretary to the Board of Revenue, Land
Revenue Department.

With reference to your endorsement No. 408 A, dated the 1st July 1875, and its annexures, I am directed to say that the Lieutenant-Governor has been pleased to appoint under sections 7 and 8 of Act XX of 1863, the gentlemen named in the margin to act as a Committee in the district of Hooghly to perform the duties imposed by Regulation XIX of 1810 upon the Board of Revenue and the Local Agents of Hooghly, in respect of that portion of the proceeds of the Syedpur Trust Estate which is appropriated to religious uses.

The Hon'ble Nawab Ashgar
Ali Khan, C.S.I.
Syed Amir Ali, M.A.
Mir Mahomed Kazem Jowaharee.
Syed Moorteza.
Mirza Mobarik Ali *alias* Mirza
Amirjan.

2. The necessary Notification has been published in the *Calcutta Gazette*.

EMAMBARAH OFFICE,
Hooghly, the 7th July 1875.

To

The Local Agent,
Hooghly.

SIR,

With reference to the first paragraph of the Government letter No. 701. dated 18th March 1875, copy of which was forwarded to me by your No. 27 of the 10th April last, I have the honour to inform you that besides the $\frac{1}{4}$ th share allotted to me as my portion I have had many advantages here; such as the benefits of a comfortable house, competent Doctor and Hakeem, etc. The Kharij Towliyat properties being left entirely at my disposal, have also been conferred on me much in the shape of a jagir, the accounts of which I have not to forward to my superiors though I always refrained to derive the slightest benefit from it, augmenting on the other hand its income by every possible means and at the expense of all my strength and money.

As for the amount of pension granted to me, I beg leave to state that it will be not sufficient to meet the various expenses necessary for my old age and sickly state, as suggested in mine of the 2nd January and 19th December last. Being always subject to various kinds of diseases, I must have often recourse to medical advisers and stand in need of faithful servants and friends, the expenses of which along with those of a comfortable house in some clean and open place and the necessaries of life, will scarcely come under a sum of 600 rupees a month, especially in a city like Calcutta or in countries like Arabia and Khorasan, where I intend to retire, the latter two being very expensive and difficult for me to reach also.

Leaving out of consideration the faithful services I have rendered prior to my appointment as the Mutwalli of this Emambarah, as mentioned in the paragraphs 3. 4 and 5 of mine of the 19th December last, addressed to you, the services I have done to the Emambarah at the sacrifice of all my vigour, strength and money in adding some 5,000 or 6,000 rupees to its annual income and giving it along with the Emambazar (which were formerly very sorry looking and dirty places) every kind of beauty and improvement with a view to do as much as my humble ability could add to the glory of the British name in India, as mentioned in the 7 paragraph of my above letter of the 19th December last, and manifest from the magnificent works and beautiful arrangements connected with the Emambarah, would alone entitle me to a pension equal in amount to my salary, and from the $\frac{1}{4}$ th share of the waqf fund which has sufficient money to pay as much as is now allotted to me as my portion. Besides the average income is calculated not from what is really derived, but from the sum the Collector of Jessore is pleased to send in times, without referring to the true income of the Estate, which is entirely unknown

to us for want of accounts, which we had formerly been supplied with but now stopped entirely.

I further beg to inform you that should it appear difficult for Government to comply with my wishes, I would decline to take any pension and prefer to serve the remaining days of my life. As for the nomination of my successor, Moonshee Ashrafuddin Ahmed, son of Moonshee Amir Ali, Khan Bahadur, it will remain unaltered. But as Government has so graciously been disposed to cast the responsibility of selection on me as mentioned in the extract of its letter No. 701, forwarded to me by yours of the 14th April 1875, I will as in duty bound, exert my best to make him my fit successor. I will keep him with me and train him after myself, that he may assume my character and prove a really good and useful Mutwallie after me. He may attend the College as well to prosecute his studies and enlighten his mind and thereby obtain more competency for the post, for should he be not well trained up by myself I fear he would likely be corrupted in future.

I therefore hope you will be pleased to forward this for the consideration of Government with your favourable remarks upon the same.

In conclusion I beg to add that I am late in my reply owing to my remaining very ill during the last five months as it is known to you.

I have, etc..

(Sd.) SYED KERAMAT ALI. MUTWALLI.

No. 447 A.

COPY of the foregoing forwarded to the Secretary to the Government of Bengal, Land Revenue Department, for consideration and for such orders as may appear to His Honour the Lieutenant-Governor, to be necessary.

By order of the Member in charge,

(Sd.) ILLEGIBLE,

Offg. Secretary.

BOARD OF REVENUE, L. P.

FORT WILLIAM,

The 26th July 1875.

No. 292.

From

SIR W. J. HERSCHEL, Bart., Offg. Commissioner of Burdwan,

To

The Secretary to the Board of Revenue, L.P.,

The 29th July 1875.

SIR,

With reference to your No. 309A., of the 1st instant, I have the honour to report for the information of the Member in charge. that Syed Karamat Ali, the retiring Mutwalli made over charge of the Hooghly Imambara to Moulvi Ashrafuddin Ahmed, the new Mutwalli, on the morning of the 20th instant.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) W. J. HERSCHEL,

Offg. Commissioner.

GOVERNMENT OF BENGAL,

REVENUE DEPARTMENT.

Dated the 9th August 1875.

No. 1970

To

The Secretary to the Government of India, Departments of
Revenue, Agriculture and Commerce.

SIR,

I am directed to invite your attention to Mr. Cotton's letter No. 703, dated the 18th March 1875, and to request that His Excellency the Governor-General in Council may be moved to pass early orders upon the recommendation of this Government for the grant to Syed Karamat Ali, Mutwalli of the Imambarah at Hooghly, of an additional pension from general revenues in consideration of his past political services.

I have, &c.,

(Sd.) ILLEGIBLE,

Secretary to Government.

REVENUE DEPARTMENT,
(LAND REVENUE).

No. 1971.

From

G. EASTON, Esq., Acting Assistant Secretary to the Government of Bengal,

To

The Officiating Secretary to the Board of Revenue, Land Revenue Department.

Calcutta, the 9th August 1875.

SIR,

With reference to my letter No. 1822, dated the the 23rd July 1875, appointing a committee in the district of Hooghly for the management of that portion of the proceeds of the Syedpore Trust Estate which is appropriated to religious uses, I am directed to request that it may be ascertained from the Commissioner of Burdwan and reported for the information of Government, on what date the Local Agents of Hooghly made over to the committee, the charge of the duties connected with their office.

I have the honour to be,

SIR.

Your most obedient servant,

(Sd.) G. EASTON,

Acting Asst. Secy. to the Govt. of Bengal.

No. 381A.

Copy forwarded to Commissioner, Burdwan, for report, with reference to this office endorsement No. 352A., dated the 27th ultimo.

By order,

BOARD OF REVENUE,
The 11th August 1875.

(Sd.) ILLEGIBLE,
Offg. Secretary.

No. 480F.

From

The Assistant Secretary to the Government of India,

To

The Offg. Secretary to the Government of Bengal,

Dated Simla, the 30th August 1875.

SIR,

In reply to your letter No. 1970, dated 9th August 1875, to the address of the Secretary to the Government of India in the Department of Revenue, Agriculture and Commerce requesting early orders on the communication noted on the margin*
• No. 703, dated 18th March 1875. relative to the grant of an additional pension to Syed Karamat Ali. Mutwalli of the Imambarah at Hooghly, I am directed to state that the question has been submitted for the consideration of the Secretary of State, and that on receipt of a reply the orders of the Government of India will be communicated in due course.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) F. C. DAUKES,

For Assistant Secretary to the Government of India.

From

A. WEEKES, Esq.,
Local Agent, Hooghly.

To

The Commissioner of Burdwan.

Dated Hooghly, the 10th September 1875.

SIR,

I regret to have to report that the Mutwallee Saiyid Karamat Ali, died this morning in the Hooghly Imambara. Yesterday he wrote to me to enquire whether the further grant alluded to in paragraph I of the Government of Bengal's letter No. 701, dated the 18th March 1875, had been sanctioned, and also whether his application for a higher pension forwarded with this office, No. 91 of the 14th July 1875, had been granted.

2. I have ascertained that he made arrangements for the disposition of his property and that his nearest relative has been summoned by telegraph and that his funeral will be fitly conducted. He will be buried in the old or Bara Imambara. He has appointed the present Mutwallee and his nephew his executors. He has left personal property to the value of about Rs. 6,000, but the bulk of his property, he has, from time to time, made over to the Imambara.

3. He served Government faithfully and well in the earlier portion of his life in Cabul and elsewhere, as has been stated in his application for pension and elsewhere, and Government has lost a true friend and well-wisher. He was one of the old style of men such as are unfortunately rare now-a-days.

4. He displayed the same faithfulness to his trust and the same devotion in his discharge of the office of Mutwallee, which he has held for 38 years, which he had displayed on behalf of Government; during these years he nursed the funds of the institution, and erected the present new Imambara, one of the finest buildings in Bengal. His integrity was perfect, and he would never allow any of his relations to come nearer him than he might be above the suspicion of partiality.

I have, etc.,

(Sd.) A. WEEKES,
Local Agent.

No. 455.

Commissioner's office, Burdwan Division, the 26th October 1875.

Copy forwarded to the Secretary, Board of Revenue, Lower Provinces, for information.

By order,

(Sd.) KALI PADA MOOKERJEE,
Offg. Personal Assistant to Commissioner.

No. 479A.

BOARD OF REVENUE.

To

The Commissioner, Burdwan,

Dated, 5th November 1875.

SIR,

With reference to your Memorandum No. 455, dated 26th ultimo, I am directed to state that the Member in charge has received with much regret the news of the death of Sayid Karamat Ali, late Superintendent of the Hooghly Imambara.

I have, etc.,

(Sd.) ILLEGIBLE,

Acting Secretary.

No. 518, dated Burdwan, the 26th November 1875.

From—C. T. BUCKLAND, Esq., Commissioner of Burdwan.

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your office Memorandum No. 381 of the 11th August, I have the honour to report as follows :—

2. By the orders of Government, No. 1822, dated the 23rd July 1875, the five gentlemen named in the margin were appointed under sections 7 and 8 of Act XX of 1863, to act as a committee in the district of Hooghly to perform the duties imposed by regulation XIX of 1810, upon the Board of Revenue, and the Local Agents at Hooghly, in respect of that portion of the proceeds of the Syedpur Trust estate which is appropriated to religious uses.

The Hon'ble Nawab Asghar Ali Khan, C.S.I.	
Syed Amir Ali M.A.	
Mir Muhammad Kazem Jowharee.	
Syed Moorteza.	
Mirza Mobarik Ali <i>alias</i> Mirza Ameerjan.	

3. These orders were forwarded to this office by the Board of Revenue under their endorsement No. 352 of 27th July for such action as may be necessary under section 12, Act XX of 1863, and they were forwarded by the officiating Commissioner to the Local Agents of Hooghly on 11th August under an endorsement of the same purport.

4. On the 16th August the Local Agent, Mr. Weekes, applied for instructions to determine what portion of the land or other property belonging to the trust, is to remain under the Board's superintendence for application to secular uses, and what portion is to be transferred to the committee. He recommended that the suggestion contained in paragraph 12 of Government letter No. 4036 of 30th October 1863, to the address of the Board, should be carried into effect, the Imambarah at Hooghly, garden, bazar, and other grounds adjoining it being made over to the committee, and the Board retaining the Syedpur Estate in its own hands, paying periodically to the committee three-ninths of the income for the expenses of the religious observances for the Prophet and his descendants, for the other appointed festivals and for the repairs of the Imambarah and the burying grounds, one-ninth for the use of the agent or superintendent, and so much of the four-ninths as may properly be devoted to the payment of establishments connected with the Imambara.

5. The Local Agent also solicited instructions as to the last item, which was fixed at Rs. 707-10-8 in Government letter No. 1117, dated 21st March 1865, to the address of the Board. He reported that he

had called for and he has since submitted a list of the establishments employed at present and paid from the four-ninths share.

6. He also solicited orders whether the property known as kharij-towlout, which was placed as a temporary measure under the charge of the Mutwalli in 1838, is to be made over to the committee or to remain in the hands of the Mutwalli. He appended two lists, one of the property belonging to the Hooghly Imambara under the management of the Mutwalli and another of the kharij-towlout property.

7. In a subsequent letter, No. 124, dated 2nd September, the Local Agent of Hooghly requested orders regarding the application of the proceeds of the ferry and other property belonging to the Syedpore trust estate, which had been appropriated to the three-ninths share by the late Mutwalli in spite of the objections of the Local Agents; and he also stated that the new Mutwalli is now crediting the proceeds of the ferry as a part of the kharij-towlout property, in spite of the Local Agent's notice to him that the ferry is a part of the Syedpore estate.

8. He also noticed that the late Mutwalli had added property improperly to the kharij-towlout instead of to the trust estate.

9. The late Officiating Commissioner not having disposed of this correspondence, it has devolved upon me, and I now lay it before the Board with the following remarks.

10. First, the five gentlemen appointed as a committee by Government are limited in their powers by the letter of appointment to that portion of the proceeds of the Syedpore trust estate which is appropriated to religious uses.

11. The committee has been appointed under sections 7 and 8 of Act XX of 1863, and under the terms of section 7 it should be appointed to perform all the duties of the Board and the Local Agents, except in respect of any property which is specially provided for under section 21 of the Act.

12. Under section 21, if any land or other property has been granted for the support of an establishment partly religious and partly secular, the Board, before transferring it to any trustee, manager or superintendent or to any committee of management, shall determine what portion, if any, of the said land or other property shall remain under the superintendence of the Board for application to secular uses, and what portion shall be transferred to the superintendence of the trustee, manager or superintendent, or of the committee, and also what annual amount, if any, shall be charged on the land or other property which may be so transferred to the superintendence of the said trustee, manager or superintendent or of the committee and made payable to the said Board or to the Local Agents for secular uses as aforesaid. In every such case the provisions of the Act shall take effect only in respect to such land and other property as may be so transferred.

13. The terms of the Government appointment to the committee empower them to act as a committee in the district of Hooghly to perform the duties imposed by Regulation XIX of 1810 upon the Board of Revenue and the Local Agent of Hooghly in respect of that portion of the proceeds of the Syedpore trust estate which is appropriated to religious uses.

14. It is tolerably evident that the intention of the Government was to debar the committee from interfering with the Syedpore trust estate itself, which is chiefly situated in Jessore, but as their power is limited to the portion of the proceeds of the estate which is appropriated to religious uses, I have doubts if any real property or any other part of the funds of the one-ninth or four-ninths share can be transferred to the local committee unless the terms of their appointment are altered.

15. Under section 12 the Board of Revenue and Local Agents are to transfer to the committee all landed or other property which at the time of the appointment of the committee shall be under the superintendence or in the possession of the Board or Local Agents, and belonging to the said religious establishment, except as is hereinafter provided for. which words apply (I understand) to section 21; and under section 21, which has been already quoted, the Board are to determine what portion, if any, of the land or other property shall remain under the superintendence of the Board for application to secular uses, and what portion shall be transferred to the superintendence of the trustee, manager or superintendent or of the committee, and also what annual amount, if any, shall be charged on the land or other property which may be so transferred to the superintendence of the trustee, manager or superintendent or of the committee, and made payable to the said Board or to the Local Agents for secular uses as aforesaid.

16. It is to be noticed that section 21^o provides for the transfer of the land or other property to any trustee, manager or superintendent, or to any committee of management appointed under the Act; and therefore, where the powers of the committee are expressly limited to the portion of the proceeds of the estate which is appropriated to religious uses, it is desirable that it should be clearly settled if any landed property, such as suggested in paragraph 12 of the Government orders of 1863 quoted above or the kharij-towlout property is to be handed over to the committee or to the Mutwalli.

17. The new Mutwalli has already shown an indication of the manner in which he is likely to manage the property by his transfer of the proceeds of the ferry from the credit of the trust estate to the kharij-towlout, which is manifestly improper.

18. Before taking any further proceedings, I recommend that it should be clearly settled what the powers of the committee and the Mutwalli are to be as regards the property, the Imambara, etc., and the kharij-towlout property at Hooghly. The newly-appointed Mutwalli has been appointed merely as successor to the late Mutwalli without any

specification or limitation of his power, and by the Act the Local Agents have no authority over the manager or the committee appointed under the Act, except through the agency of the civil court under section 14 of the Act.

19. It may be permissible to let the committee do as they please with the three-ninths share and the one-ninth share, but it would be unsafe to let them have an absolute control of the payments from the four-ninths share, which amount to Rs. 1,598-8, according to the latest statement submitted by the Local Agent, the whole of which sum, except Rs. 620 for the hospital, is apparently administered by the Mutwalli. I have, however, called for further information on this point from the Local Agent.

No. 530 A.

BOARD OF REVENUE,
The 7th December 1875.

To

Commissioner of Burdwan Division.

SIR,

With reference to your letter No. 518, dated 26th ultimo, regarding the duties to be made over by the Local Agents of Hooghly to the committee appointed by Government in respect of that portion of the proceeds of the Syedpore trust estate which is appropriated to religious uses, I am directed to request that you will submit, without delay, the Local Agents' letters alluded to in your report, and that you will furnish any information available about the kharij-towleut property or refer the Board to any papers relating to it.

I have, etc.,

(Sd.) ILLEGIBLE,

Offg. Secretary.

No. 51.

[REVENUE].

INDIA OFFICE,
London, 30th September 1875.

From

Her Majesty's Secretary of State for India,

To

His Excellency the Right Hon'ble the Governor-General of India
in Council.

MY LORD,

The despatch of your Excellency in Council, dated 19th July, No. 235 of 1875 (Financial), recommending an addition of Rs. 1,225 per annum to the pension of Syed Keramat Ali, the Mutwalli of the Imambarah at Hooghly, has been considered by me in Council.

2. Under the circumstances stated in the despatch of your Lordship in Council, I sanction with great satisfaction the addition proposed to the pension of this old and faithful servant.

I have the honour to be,
etc.,

(Sd.) SALISBURY.

No. 627 F.

COPY of the above forwarded to the Government of Bengal for information, with reference to their Acting Junior Secretary's letter to the address of the Secretary to Government in the Department of Revenue, Agriculture and Commerce, No. 703, dated 18th March 1875.

By order, etc.,

FOREIGN DEPARTMENT, FINANCE ;
FORT WILLIAM,
The 11th December 1875.

(Sd.) F. C. DAUKES,
for Under-Secretary to the
Government of India.

No. 571.

From

C. T. BUCKLAND, Esq.,

Commissioner of the Burdwan Division,

To

The Secretary to the Board of Revenue, L. P.

The 11th December 1875.

SIR,

I have the honour to acknowledge the receipt of your letter No. 530A., dated the 7th December, and to forward copy of the letters, noted in the margin, from the Local Agent of Hooghly, which were alluded to in my No. 518, dated the 26th November. The only information about the kharij-towlout property which is available in my office is contained in the letter No. 25, dated 7th June 1838, from the Commissioner of the 18th Division, of which a copy is forwarded with Local Agents' No. 135, dated the 26th October. As I have not in my office the old correspondence with the Commissioner of the 18th Division and the Local Agents of Hooghly, I have requested the latter to furnish as soon as possible any further information on the subject that may be available in this office.

Local Agent's No. 116, dated 16th August 1875, with enclosures.

Local Agent's No. 124, dated 2nd September 1875.

Local agent's No. 135, dated 26th October 1875.

I have the honour to be,

SIR,

Your most obedient servant;

(Sd.) C. T. BUCKLAND,

Commissioner.

No. 116, dated Hooghly, the 16th August 1875.

From—A. WEEKES, Esq., Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division.

With reference to your No. 109 of the 11th instant, I have the honor to request you will be good enough to ask the Board of Revenue, with reference to paragraph 12 of letter No. 4036 of 30th October 1863, from the Secretary to the Government of Bengal to their address, to determine what portion of the land or other property belonging to the trust is to remain under the Board's own superintendence for application to secular uses, and what portion shall be transferred to the committee. I recommend that the proposal suggested in the same paragraph 12 be carried out, viz., that the Board should

make over to the committee only the Imambara at Hooghly, and the garden, bazar and other grounds, and should keep the Syedpore estate in its own hands, paying periodically to the committee three-ninths of the income for the expenses of the religious observances for the Prophet and his descendants, for the other appointed festivals and for the repairs of the Imambara and its dependent, and so much of ninth for the use of the agent or superintendent to the payment of the four-ninths as may properly be devoted to the payment of establishments connected with the Imambara.

2. In Government letter No. 1117, dated 21st March 1865, to the address of the Board of Revenue, a sum of Rs. 707-10-8 per mensem is sanctioned for "the expenses proper to the Hooghly Imambara." In order to see whether such expenditure at present exceeds or falls short of the amount of Rs. 707-10-8, I have requested the Mutwalli to send a list of the establishments employed at present and paid from the four-ninths share.

3. It appears that, under orders contained in the Commissioner of the 18th Division's letter No. 25 of 7th June 1838, the kharij-towlout property was placed as a temporary measure under the management of the Mutwalli; I beg to enquire whether this property is to be made over to the committee, or to remain in the hands of the Mutwalli.

4. I append lists of property which I desired to be furnished me by the Mutwalli when he took charge recently from Syed Keramat Ali.

LIST OF PROPERTY AT PRESENT BELONGING TO THE HOOGHLY IMAMBARA, AND UNDER THE MANAGEMENT OF THE MUTWALLI.

1. Imambara in Hooghly, with all the buildings and out-offices, including the mosafirkhana, two astanahs in the Emam bazar and two gardens on the east of the Imambara, one of which contains the cemetery of the testator, a building on the river side, and a *pucca* house at its entrance, and the other small *pucca* house and a reservoir of water.

2. Imambara at Moorally and the lakhiraj lands of Emambarut in zilla Jessore.

3. Premises No. 75, with land forming the south-eastern part of the Imambara.

4. Premises No. 87, with land and bridge.

5. *Pucca* ghât and posts on each side of it, with land on the east of premises No. 88.

6. Premises No. 88, with land on the east of the new garden and north of the hât.

7. Premises No. 89, or hât with land between the two gardens mentioned in item 1.

8. Premises No. 25, with land to the south of the garden containing the cemetery of the testator.

9. Premises No. 39, with land opposite the new garden on the road side.

10. Premises No. 42, with land to the (?) of the mosafirkhana.

11. Premises No. 78, with land west of the mosafirkhana compound.

12. A piece of land on the west of item 3.

13. Four cottahs of land in Gola ghât, opposite the astanah of Emam, near the ferry ghât.

14. Eight cottahs of land with new posta near the jail.

15. Three cottahs of land on the east of item 14.

16. Above $2\frac{3}{4}$ cottahs of land bordering on the public drain, and opposite item 14, on the other side of the road.

17. About $5\frac{1}{4}$ cottahs of land on the north of item 16.

18. About 12 cottahs of land on the south of item 8.

19. A piece of land appertaining to the garden containing the cemetery of the testator and on the south of it.

20. A piece of land on the side of the ferry ghât, on the north and east of item 13.

21. A piece of land on the east of item 15, and on the bank of the river.

22. A piece of land on the south and west of the astanah of Emam.

23. A piece of land on the east, north and west of item 18.

24. A piece of land on the east of item 9 and on the road side.

25. A piece of land between items 9 and 10.

26. A piece of land on the south of the mosafirkhana and east of the stable.

27. A piece of land connected with the boundary wall on the south-east of the house to south of the Burra Imambara.

28. Ferry in the Emam bazar.

29. Two *pucca* houses and fifteen cottahs of land at Soonatooli, in Hooghly.

30. One *pucca* house known as Mahanimadi Begum's house, with 11 cottahs of lakhiraj land, Municipal No. 75.

31. Stable and coach-house in the front of the Imambara, with nine cottahs of lakhiraj land, Municipal No. 83.

32. Four bighas, 12 cottahs and 11 chittacks of land in the Emam bazar, with a tank and *pucca* astanah, Municipal No. 55.

33. Lakhiraj land in Kerbala, Hooghly, with a *pucca eadga*.

34. Nazir Jugru's garden in the north of Kerbala, with two tanks and new *pucca* house.

35. Jungli Shah's garden in the south of Kerbala, with a tank.

36. Burra Imambara (this is a separate endowment, and included in the endowment of Muhammad Mohsin, by Syed Keramat Ali, who thought it was being abused).

37. A *pucca* house with lakhiraj land on the east of and endowed to the Burra Imambara, Municipal No. 76.

38. A *pucca* house in the Emam bazar endowed to ditto, Municipal No. 56.

39. Burial ground for the Shias on the south of the Burra Imambara.

40. Burial ground for the Shias opposite the above.

41. A piece of lakhiraj land at Mogulpoora, in Hooghly, in front of the Municipal office.

42. Four bighas and 16 cottahs of land, with a tank called Boorhan Pookhur, mouzah Koolikanda, Hooghly, endowed to the Burra Imambara by a friend of Syed Keramat Ali.

43. A *pucca* house on the south of the Burra Imambara, with 12 cottahs of land endowed to the Imambara.

LIST OF KHARIJ-TOWLEUT PROPERTY.

1. Twenty-seven cottahs of lakhiraj land in Chinsurah. This has been taken up by Government for the erection of a police line, but the compensation not yet received.

2. Lakhiraj land of Bagh Beloor, mouza Pershadnagar, zilla 24-Perganahs, on the other side of the river opposite the Imambara.

3. Mouza Tarat, Kismat Kiddirpore, zilla 24-Perganahs, in the suburbs of Calcutta.

4. Lakhiraj lands of mouza Sonadanga, pergunah Satsahuka, zilla Burdwan.

5. Kantagunge, zilla Nuddea.

6. Emamnagar at Moorshedabad.

7. A piece of land measuring 4 bighas and 14 cottahs in Mouza Sehakala.

(Sd.) A. WEEKES,
Local Agent.

No. 124, dated Hooghly, the 2nd September 1875.

From—A. WEEKES, Esq., Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division.

I HAVE the honour to report the following for your orders.

2. The receipts of the ferry and of other property belonging to the Syedpore trust estate in Hooghly, and under the management of the Mutwalli, used before to be divided among all the shares of the Hooghly Imambara fund; but latterly the late Mutwalli, Syed Keramat

Ali, credited them wholly to the three-ninths share. My predecessors objected to this, but failed to induce the Mutwalli to revert to the old practice of dividing the receipts amongst the several shares. They therefore made a report on the matter in their No. 18 of 22nd May 1874, addressed to you. In your office No. 157 of 10th June 1874 your predecessor concurred generally with their views, and requested them to again advise the Mutwalli to comply with their wishes, otherwise the matter could lie over until the appointment of the committee of management under Act XX of 1863. The correspondence on this subject was continued still further, as will appear from your office Nos. 596 and 29, dated respectively 24th February and 29th April 1875, the final result of which is that the adjustment of the accounts is to stand over until the committee under Act XX of 1863 enter on their functions.

3. Besides the property belonging to the towleut, the Mutwalli has another property under his management, called the kharij-towleut property. When making the towleut, the founder had reserved for his own subsistence certain property; this property is called kharij-towleut. Under orders contained in the Commissioner of the 18th Division's letter No. 25 of 7th June it has, as a temporary measure, been placed under the management of the Mutwalli, who has to render no account of it to anyone although he is ordered to keep one.

4. In the list of the property received charge of by him, which he submitted to this office at my request, the new Mutwalli showed the ferry with the kharij-towleut property. As a matter of course I objected to this, and more than once told the Mutwalli that the ferry, which had from time immemorial been a waqf property, should not be made a kharij-towleut one, and that he should reckon the ferry a waqf property as it had hitherto been; but the Mutwalli seems determined not to listen to me.

5. One Abdul Wahed, who was treasurer in the Hooghly Imambara, embezzled more than Rs. 17,000 from the Imambara treasury, and a report of it was made to your office in this office No 91, dated 15th March 1869. The amount of Rs. 13,279-6 was written-off the waqf accounts under sanction conveyed in your office No. 224, dated the 9th January 1873, the remaining sum being on account of kharij-towleut and deposit. The late Mutwalli on his own responsibility instituted a civil suit against Abdul Wahed and got a decree. In the execution of the decree he caused the property of Abdul Wahed to be sold, and himself purchased it with the money decreed. This property also the new Mutwalli classed as kharij-towleut. I told him that inasmuch as the waqf had suffered the loss, the waqf is entitled to have the property which has been purchased with the money decreed. But the Mutwalli objects to this, saying that the kharij-towleut had suffered loss, and it paid part of the costs of the suit, and therefore the kharij-towleut should get it. Under orders conveyed in your office No. 27 of 28th May 1870 the whole of the costs should have been charged to the old Mutwalli's own purse, and he was wrong, I think,

in charging a part of them to the kharij-towleut. I think also that the waqf has a claim to the property in preference to others.

6. Therefore I solicit your orders on these matters.

No. 135.

HOOGHLY,

The 26th October 1875.

From—A. WEEKES, Esq., Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division.

With reference to your No. 168 of the 23rd instant, I have the honour to submit herewith an English translation of the list of the establishments and persons paid from the four-ninths share of Syedpur trust estate, and also a copy of a letter No. 25, dated 7th June 1838, from the Commissioner of the 18th Division.

2. With regard to paragraph 2 of your letter, I beg to report that I have not been in communication with the members of the committee, as it is not yet decided what portion of land or the other property belonging to the trust is to be made over, on which subject a letter No. 116, dated 16th August 1875, has been addressed to your office.

No. 25. Burdwan, the 7th June 1838.

From—W. DAMPIER, Esq., Commissioner of Jessore,

To—The Local Agents at Hooghly.

I have the honour to acknowledge the receipt of your letter of the 1st instant, and to reply as follows.

2. Muhammad Hossein will remain in undisturbed possession of the estates, Malouncha and Kantagunge, being responsible for whatever may be the Government revenue assessed on them.

3. It appears to me probable that the sum of Rs. 477, which you state is paid annually by that person on account of Kantagunge, was, during the life-time of the late founder of the Imambara, appropriated for his personal expenses, and at his death, and after the

relinquishment by the Government of the right to escheat, should not have been continued. You will be pleased to report if this is the case or not.

4. With regard to the other properties, they will remain under the management at present of the Mutwalli, who will have to pay the Government revenue and keep all accounts of their receipts and disbursements quite distinct and separate from those of the lands appropriated for the support of the Imambara. He will not be subject to your control in the management of these properties, but be as an independent malguzar.

5. I shall feel obliged by your furnishing me with a full report on all the circumstances regarding the deposit of so large a sum as Rs. 18,914-9-6 in the Civil Court, transmitting with it copies of all correspondence and native papers connected with that transaction.

Establishments, etc., paid from the four-ninths share, as per the Mutwalli's list.

	Monthly expenditure.	Total amount sanctioned.
	Rs. A. P.	Rs. A. P.
PENSIONERS.		
Haji Mir Muhammad Ali	21 5 4	
Ramzani Begum, grand-daughter of Shakir Ali Khan ...	10 10 8	
Ramzani Begum, wife of Fazel Ali Khan ...	2 5 4	
Muhammadi Bibi, sister of Mir Hingu Jan ...	2 5 4	
Ramgopal Dey, late writer of the Imam- bara Hospital ...	13 5 4	
		50 0 0

DUFTURKHANA.

Ghulam Lillahi, sheristadar ...	40 0 0	
Mirza Agha Ali, peshkar ...	20 0 0	
Sona-ulla, treasurer ...	20 0 0	
Muhamad Ali, head-muharir ...	12 0 0	
Syed Muzaffar Ali, ditto ...	10 0 0	
Lotfulla, Muharir ...	8 0 0	
Mirza Khorrum Ali, mohafez ...	8 0 0	
Mirza Muhammed Osi, muharir ...	7 0 0	
Hasun Reza, muharir ...	6 0 0	
Ainuddin Ahmed, English writer ...	30 0 0	
Rajibuddin Ahmed, mukhtear ...	5 0 0	
Abdul Guffor, duftry ...	4 0 0	
		170 0 0

			Monthly expenditure.			Total amount sanctioned.		
			Rs.	A.	P.	Rs.	A.	P.
MUKARARI KHIDMATS.								
Syed Hussain, darogah	...	...	15	0	0			
Mirza Zahur Ali. naib darogah	...	...	10	0	0			
Mir Haidar Hossein, clock-winder	...	...	15	0	0			
Gauhar, khitmutgar	...	...	5	8	0			
Kadir Buksh, ditto	...	...	4	4	0			
Ramzan, farash	...	...	4	8	0			
Diljan, do.	...	...	4	0	0			
Babu, do.	...	...	4	0	0			
Edu, do.	...	...	4	0	0			
Supan, do.	...	...	4	0	0			
Bukshu, do.	...	...	4	0	0			
Modu, do.	...	...	4	0	0			
Ruhim Buksh, do.	...	...	4	0	0			
Fakirchand, do. (water-drawer)	...	...	5	8	0			
Pancheowri, do.	...	...	4	8	0			
Gopal, do.	...	...	4	8	0			
Parwardi, do.	...	...	4	8	0			
Methu, do.	...	...	4	8	0			
Zorawar, do.	...	...	4	8	0			
Dedar Buksh, do.	...	...	4	8	0			
Waris Buksh, do.	...	...	4	8	0			
Bashir, bhistee	...	...	4	0	0			
Sondul, mehtar	...	...	4	0	0			
Gopi, ditto	...	...	4	0	0			
						131	4	0

BABURCHIKHANA.

Raquibuddin Ahmad, darogah	...	...	15	0	0			
Mirza Ali Mardan, naib darogah	...	...	10	0	0			
Piru Khilapha, baburchi	...	...	7	0	0			
Khadem, ditto	...	...	5	0	0			
Kaem (mate), ditto	...	...	3	12	0			
Azimuddin (mate), ditto	...	...	3	4	0			
Karim Buksh, ditto	...	...	3	4	0			
Rahamatulla ditto	...	...	3	0	0			

50 4 0

GUARDS.

Mir Hingu, jemadar	...	...	8	0	0			
Ghulam Jelani, duffadar	...	...	6	0	0			
Ghulam Asghur, chaprassi	...	...	4	0	0			
Bukshu, ditto	...	...	4	0	0			
Kuchil, ditto	...	...	4	0	0			
Ali Buksh, ditto	...	...	4	0	0			
Rahamatullah, ditto	...	...	4	0	0			
Harroo, ditto	...	...	4	0	0			
Laljan, ditto	...	...	4	0	0			
Gomani (jr.), ditto	...	...	4	0	0			
Ghulam Sufdar, ditto	...	...	4	0	0			
Gobu Sufdar, ditto	...	...	4	0	0			

			Monthly expenditure.			Total amount sanctioned.		
			Rs. A. P.			Rs. A. P.		
Mir Bhattan,	chaprasi	..	...	4	0	0		
Enaetullah,	ditto	...	...	4	0	0		
Pir Khan,	ditto	...	...	4	0	0		
Jhingu,	ditto	...	...	4	0	0		
Hossaini,	ditto	...	...	4	0	0		
Methu,	ditto	...	...	4	0	0		
Sahebjan,	ditto	...	...	4	0	0		
Ghulab,	ditto	...	...	4	0	0		
Ebad Khan,	ditto	...	...	4	0	0		
Romzan (sr.),	ditto	...	...	4	0	0		
Ditto (jr.),	ditto	...	...	4	0	0		
Fakir Muhamad,	ditto	...	...	4	0	0		
Rahim Buksh,	ditto	...	...	4	0	0		
Nasaruddin,	ditto	...	...	4	0	0		
						110	0	0

GARDENERS.

Tinu, mali*	...	...	...	4	8	0		
Ghulam Khan, mali	...	...	...	4	0	0		
Stationery for the Imambara office	...	...	...	10	0	0		
Contingencies	...	...	...	5	0	0		
						23	8	0

UNANI SHAFAKHANA.

Syed Jowad, hakim	...	...	...	80	0	0		
Mir Haidar Hossein, manager	...	...	...	10	0	0		
Mogul Jan, compounder	...	...	...	8	0	0		
Medicine charges	...	...	...	27	0	0		
						125	0	0

LOCAL AGENT'S OFFICE.

Kalikisto Dutt, clerk	...	...	...	50	0	0		
Syed Eradatulla, munshi	...	...	...	22	0	0		
Dowlut, chaprasi	...	...	...	6	0	0		
Stationery contingencies	...	...	...	5	0	0		
						83	0	0

HOSPITAL.

Establishment	...	...	...	286	0	0		
Additional establishment	...	...	...	75	0	0		
Palanquin hire for Dr. Thompson	...	...	...	30	0	0		
Midwives, etc.	...	...	...	29	0	0		
Assistant Surgeon Sreenath Mookerjee	...	...	...	200	0	0		
						620	0	0
Moorally Pirghar	...	...	...	100	0	0		
Mosafirkhana	...	...	...	85	8	0		
Charitable allowance	...	...	...	50	0	0		
						235	8	0
Total			...	...	...	1,598	8	0

* The pay of Tinu is Rs. 4-8, but he is paid Rs. 4.

The Mutwalli says that, besides the above, there is a sanction of Rs. 100 a year for the futteh of the founder, a charge which has always been met from the savings under the head of the mosafir-khana and charitable allowance, and also of certain amounts for municipal tax and law charges (which are not fixed). The municipal tax for the 4th quarter of 1874-75 amounted to Rs. 40-8-6, and the law charges (debtible to the four-ninths share) amounted in August 1875 to Rs. 7.

I should state that, taking the average of the last five year's expenditure, "the expenses proper to the Hooghly Imambara" are only Rs. 682-2 per mensem, including municipal tax and law charges.

(Sd.) A. WEEKES,
Local Agent.

No. 2969.

Copy * forwarded to the Officiating Secretary to the Board of Revenue, Land Revenue Department, for information, in continuation of paragraph 1 of the Government order No. 701, dated the 18th March 1875.

* Letter No. 627, dated 11th December 1875, from the Government of India to the Government of Bengal, regarding the grant of additional pension to Syed Keramat Ali.

By order, etc.,
(Sd.) ILLEGIBLE.

GOVERNMENT OF BENGAL,
REVENUE DEPARTMENT,
LAND REVENUE ;
The 18th December 1875.

No. 746 A., dated FORT WILLIAM, the 22nd December 1875.

From—A. MACKENZIE, Esq., Offg. Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to the orders of Government marginally cited, and in continuation of previous connected correspondence regarding the appointment of a committee in the district of Hooghly under Act XX of 1863 for the management of that portion of the proceeds of the Syedpore trust which is appropriated to religious uses, I am directed to submit the following report.

^a Government order No. 1822, dated 23rd July 1875.

Government order No. 1971, dated 9th August 1875.

2. The Commissioner of Burdwan, in his letter No. 518, dated 26th ultimo, copy of which is annexed for the information of Government, states that in August last the Local Agent at Hooghly enquired what portion of the land or other property belonging to the endowment was to be made over to the committee, and recommended that the orders conveyed in Government letter No. 4036, dated 30th October 1863 (when the first committee was formed), should be carried out. These orders were to the effect that "the Board should make over to the committee only the Imambara at Hooghly, and the garden, bazar and other grounds adjoining it, and should keep the Syedpore estate in its own hands, paying periodically to the committee three-ninths of the income for the expenses of the religious observances for the Prophet and his descendants, for the other appointed festivals and for the repairs of the Imambara and the burying ground, one-ninth for the use of the Agent or Superintendent, and so much of four-ninths as might properly be devoted to the payment of establishments connected with the Imambara." The lists of establishments and pensioners on the four-ninths share was to be revised, and a sum equivalent to the charges that belong to the Imambara was to be paid annually to the committee, purely charitable and secular establishments remaining under the Local Agents.

3. There can, the Member in charge considers, be no doubt that this would be the proper course to follow now. It was never, he believes, the intention of Government, as is indeed pointed out in paragraphs 12 to 14 of the Commissioner's letter above quoted, to make over any of the Syedpore estate to the committee. The Government will retain that in its own hands, and make over only so much of the proceeds as may be determined upon. Mr. Schaleh would, therefore, recommend that the orders passed by Government in 1863 should now be carried into effect.

4. The next question is as to the amount to be made over to the committee annually for establishments from the four-ninths share.

The sum fixed by Government in order No. 1117, dated 21st March 1865, was Rs. 707-10-8 per mensem.

5. A fresh detailed statement of the establishments chargeable to the four-ninths share, religious and secular, was submitted to Government with Board's endorsement No. 177 A., dated 29th March 1875. The establishments therein shown for the Imambara office, Mukarari Khidmats, Baburchikhana, Guards, Moorally Pirghar, down to "futteh of the founder," costing in all Rs. 757-2-6 per mensem, represent the religious establishments, while the rest are secular charges, aggregating Rs. 915-8-0 monthly. With Mr. Buckland's

* Copy submitted herewith with a copy of the enclosures.

letter No. 571,* dated 11th instant, however, there is a fresh list of establishments as given by the new Mutwalli, on which Mr. Weekes, the Local Agent, remarks that the average charges proper to the Imambara have averaged only Rs. 682-2 per mensem.

6. Mr. Schaleh would propose that the pensions, Local Agent's officé, Unani Shafakhana, and Hospital charges should be deemed secular, and kept under the control of the Local Agents, while the charges previously named above should be put under the management of the committee, with whom the Local Agents should settle a fixed sum not exceeding Rs. 750 per mensem, to be paid on account of such Imambara charges; or, to avoid inconvenience and trouble, which is likely to arise in settling small details, the Member in charge would recommend, as the best arrangement that can be made, that Rs. 750 (which is not much more than the amount Rs. 707-10-8, authorized in 1865) should actually be the sum now to be allowed for establishments of the Imambara.

7. The next point referred is a more important one. Orders are solicited as to certain "kharij-towleut" estates which are, it seems, in the Mutwalli's hand, and the accounts of which the late Mutwalli mixed up with those of the waqf in his charge. The Board has experienced some difficulty in tracing these estates. The accompanying copies of papers selected from the correspondence from 1815—1838 afford all the information on the subject necessary for the present inquiry.

8. It seems that Hadjee Mohsin, the founder, when making over the bulk of his property in trust, reserved some estates for his own maintenance, which were not entered in the towleutnama. After the Hadjee's death some of these estates were found to be in the possession of outsiders under forged pottahs, or alleged verbal assignments, and others were discovered in the hands of the then Mutwalli. In 1815 it was discussed whether they should not be considered escheats to Government, but it was decided that as those in the hands of outsiders paid revenue to Government, they should not be touched; while as regards those in the possession of the Mutwalli it was ruled that as they not only paid revenue, but had their profits probably included in the general funds of the Imambara, and so would come under the control of Government, they also should be left as they

were. In 1836—38, however, the question again came up. The kharij-towleut estates in the Mutwalli's hands were found to be such a drain on the waqf funds and to give rise to so many lawsuits, that the Local Agents proposed to sell them out of hand, while the Commissioner proposed to utilize them by improved management for secular uses. In their letter, dated 15th May 1838, the Board however decided that it was entirely a mistake to mix up the kharij-towleut accounts with those of the waqf, and the Local Agents were ordered to discharge them altogether from the accounts of the endowment. These orders were repeated in July 1838, when it was ruled that the Mutwalli should pay the Government revenue and keep all the accounts of receipts and payments distinct from the waqf, not being subject to the control of the Local Agents, but acting as "an independent malguzar." Since that time the Mutwalli *pro tem.* appears to have held these estates as a sort of private property in addition to his one-ninth share.

9. Mr. Weeks, the Local Agent, also inquires if an estate recently purchased by the late Mutwalli is to be considered waqf or kharij-towleut. The Mutwalli bought this, it appears, from money decreed in a suit instituted by him against the Imambara treasurer, who had embezzled money belonging both to the Imambara and the kharij-towleut account; but he added the property bought with the money so decreed to the kharij-towleut estates.

10. The points now to be determined are, what it is to be done with the kharij-towleut property? Is Government to take it under its Local Agents? or are the committee to control it? or is the new Mutwalli to manage it independently. It seems to Mr. Schalch that the orders of 1838, placing these properties entirely under the Mutwalli, were passed without reference to the fact that Government in 1836 had, under the decree of the Sudder Dewanny Adawlut, stepped itself definitely into the position of the Mutwalli, and that the so-called Mutwalli was only a Government Agent; it was, however, then determined that, as regards these estates, the Mutwalli should be an independent malguzar.

11. Now there is a new Mutwalli, a man appointed under the orders of Government, between whom and the former Mutwalli there is, it might be argued, no such privity or connection as to entitle him to succeed as malguzar. It might be open to Government to step in at this succession and claim the property as itself the Mutwalli or an escheat to Government.

12. On the other hand, it might be held that these lands had become an appanage of the shrine and vested in the religious manager of that institution for the time being; and this is the view which, mainly on grounds of policy, the Member in charge is inclined to take. But Mr. Schalch would certainly have these lands placed under the control of the committee, who should be responsible for seeing that their accounts are kept separate from those of the original waqf, though

their profits may be drawn by the Mutwalli in addition to the one-ninth share.

13. The Member in charge would not now raise any question about the small estate added by the late Mutwalli to the kharij-towleut property. But it seems from paragraph 5 of the Commissioner's report, alluded to in paragraph 2 of this letter, that the Mutwalli has been appropriating as kharij-towleut the proceeds of a ferry belonging to the Syedpore estate. This Mr. Schaleh considers should be put a stop to. The Syedpore property must (with the exception of the Imambara and its grounds) remain intact under the control of the Local Agents, and Mr. Schaleh thinks that Government should express dissatisfaction at the attitude taken up by the new Mutwalli towards the Local Agents, as reported in the correspondence submitted.

14. In conclusion, I am to add that when the orders of Government in this matter are known, no delay need take place in making over formal charge to the committee.

Extracts from old correspondence regarding Kharij-Towleut Estates.

No. 36, dated Alipore, the 2nd February 1838.

From—D. PRINGLE, Esq., Offg. Commissioner, Jessore,
To—The Offg. Secretary to the Sudder Board of Revenue, Lower Provinces.

In answer to the Board's repeated call for further information relative to certain kharij-towleut estates attached to the Hooghly Imambara, I have now the honour to submit the supplementary report of the Local Agents as furnished on the 26th December last, with its enclosure in original.

2. The merits of these cases having been already fully considered by the Board, and not perceiving on consideration of the papers that I can throw further light on the same, I content myself with simply directing attention to the supplementary report now submitted by the Local Agents that the Board, in consultation with their legal adviser, may pass such orders as to prosecuting these suits as they may deem called for.

P. S.—I request that the original papers may be returned when no longer required.

No. 129, dated Hooghly, the 26th December 1837.

From—W. H. BELLI, E. A. SAMUELLS and THOS. S. WISE, ESQRS.,
Local Agents,
To—The Commissioner of Revenue for the 18th Division, Alipore.

We have the honour to acknowledge the receipt of your predecessor's letter No. 1640, under date the 23rd of September last, with its enclosure, from the Sudder Board of Revenue, and beg in reply to offer the following remarks.

2. The Board having directed that the institution of any suit for the recovery of Malouncha and Kantagunge should be contingent upon the fact of these estates being included in the towleutnama, and this as the Board infer from their designation not being the case, it becomes of course necessary for us to adduce any further arguments in support of the view which we had formed of the probable issue of such a suit if preferred in explanation of the cause of these estates, though forming no part of the endowment, still remaining under charge of the Local Agents, we beg to forward extracts from various letters of the Local Agents, the Board and the Government upon this subject. From these, the Board will observe that the question of separation, though often mooted, has never been definitively settled.

3. With reference to the sixth paragraph of the Board's letter enclosed with yours under reply, and the discrepancy therein alluded to, we beg to state that Mr. Belli is perfectly correct in his assertion of an appeal having been preferred by the Mutwalli in the case of Kantagunge from the decision of the zilla court, and dismissed in the court of appeal on the 25th May 1831. The fact had escaped us in our inquiry into the proceedings which have taken place with regard to this estate. We now beg to forward a copy of the court's decision in this case, from which the Board will observe that Mr. Martin, in dismissing the suit, insisted principally on the fact of the Mutwalli being unauthorized by the Local Agents or the Board to make the appeal, and on the circumstance of the mahal of Kantagunge forming no part of the endowment, and being consequently without the jurisdiction of the Mutwalli. The arguments upon the merits of the case appear to be merely a repetition of those urged by the Zilla Judge in his final proceeding.

ENCLOSURES TO THE ABOVE 1 TO 8.

- (1) Extract of a letter from the Local Agents to the Commissioner of Revenue, 14th or Moorshidabad Division, dated the 7th July 1836.

PARA. 29. The statement which we have marked F will make you acquainted with the present condition of the kharij-towleut estates and the large annual loss which they inflict upon the trust estate under the present management. There is no doubt, that the revenues of several of these estates, but more particularly those of Kidderpore, might be very considerably improved, and their expenses greatly diminished under a more judicious system. No arrangement, however, could, we apprehend, be introduced by which they could become really valuable additions to the possessions of the Imambara; and when we reflect upon the constant drain which takes place on the funds of the institution on their account, the numerous lawsuits to which they give rise, and the great additional trouble which they occasion, we confess that we conceive it better to strike at the root of the evil and to put up the estates for sale at once, than to attempt schemes of amelioration, the success of which is, to say the least, extremely problematical, while the attention which, we must necessarily give to them

will be a serious drain upon our time. This is the course which the Nawab Akbar Ali Khan himself acknowledged to be, in his opinion, the most advisable, and it is one the adoption of which we beg earnestly and strongly to recommend.

- (2) Extract of a letter from the Commissioner of the 14th Division to the Sadar Board of Revenue, dated the 18th July 1836.

PARA. 31. The kharij-towlent estates would, under the "management" of the late Mutwalli, appear to have entailed a large annual loss upon the trust estates. After instituting a searching scrutiny into the actual assets of these several estates, such of them as might be found to be really small in extent and trifling in annual value compared with costs of management might be disposed of by public sale. The garden called Mooraly, for instance, might be thus sold at once. It appears to have been kept up merely as a plea for the abstraction of funds from the trust estates.

32. That it would be advisable, however, to dispose of the more valuable estates, I by no means concur, as under proper management they would assuredly augment considerably the means of Government for purposes of public utility. and being quite unconnected with any endowment or other religious or secular appropriation, their assets are applicable to any public purpose, in any part of Bengal, at the entire discretion of the estate.

33. The Kidderpore property, for instance, must, from its proximity to Calcutta, Garden Reach and Alipore, be exceedingly valuable. I would recommend that the Presidency Executive officer be forthwith ordered to make a ground-plan of the same, and that some experienced officer be ordered to investigate thoroughly the titles of the present occupants and grant new leases on payment of fines, or make such other arrangement for the future revenue management as the Board may be pleased to direct. The Local Agents at Hooghly cannot superintend it. The authorities in the 24-Perganahs might take it in charge. After this estate has been properly resumed, it might either continue to be held khas or to be sold in lots or entire, should the Government think fit, and the proceeds be applied to the institution of other colleges, or the formation of canals or rail-roads, or other great national purposes. The Hooghly institution has from its own trust estates funds sufficient to meet all demands. Let other parts of the country benefit, then, from the estates that do not belong to it, and of which it does not stand in need.

- (3) Extract of a letter from the Secretary of the Sadar Board of Revenue to the Commissioner of the 14th Division, dated the 7th September 1836.

Commissioner's
paragraph 31.

PARA. 19. With respect to the garden called Moorally, the Board are agreed that it will be proper to take a futwa from the law officers of the Madrissa, in order to decide whether the establishment attached to it may be discontinued, as recommended by you

and the Local Agents. The kharij-towleut estates, which are situated in the 24-Perganahs, may, they direct me to observe, be made over to the Agents of that division, who after being furnished with extracts from your report and that of the Hooghly Local Agents, must be required to submit whatever proposition they may have to offer regarding the disposal of them.

20. The order contained in the last clause of the preceding paragraph is also applicable to the Kidderpore property.
Commissioner's paragraph 33.

(4) Extract of a letter from the Junior Secretary to the Sudder Board of Revenue to the Commissioner for the 20th or Burdwan Division, dated the 3rd November 1829.

PARA. 6. I am directed to subjoin, for your information, extracts from the correspondence with Government in the year 1815 on the subject of the lands excluded from the bequest of Hajee Mahomed Mohsin, together with an original report from the Acting Collector of the 24-Perganahs, dated the 15th of August 1816, on the claims of the Mutwalli to certain villages dependent on Kidderpore which, he alleged, had been fraudulently and collusively alienated from the Hajee's family, and the orders of the Board of Revenue in reply, dated the 27th of the same month.

Property not included in the towleutnama.
Board to Government, paragraphs 6, 7 and 8, 4th August 1815.
Government to Board paragraph 7, 6th September.
Board to Government, paragraphs 4 and 5, 10th November.
Government to Board, paragraph 3, 24th November.

7. From these papers it appears that it was considered at that time inexpedient to disturb the parties in possession, or to agitate the subject of supposed frauds any further.

(5) Extract of a letter from the Board of Revenue to the Governor-General in Council, dated the 4th August 1815.

PARA. 6. The other point on which we have to solicit the instructions of your Hon'ble Board is the estates not included in the towleutnama.

7. The estates, it seems, are now held by Baker Ali, on the ground of a pretended verbal disposal of the property made by Hajee Mohsin in his father's favour; but as the written deed on which he and his father first grounded their claim to the property has been pronounced in a court of justice to be a forgery, this nuncupative disposal of the property does not (as very justly observed by the Local Agents) appear entitled to much credit; and as the Hajee died without heirs, the property may be considered as escheat to Government.

8. We concur entirely in the foregoing opinion, but as we apprehend most of the estates pay revenue to Government, and probably are of inconsiderable value, Government possibly may be disposed to waive their claim to the proprietary right, and allow the present occupant to

retain possession on his agreeing to an equitable jama on reassessment, although he has in fact little claim to such work of indulgence, as he seems still to consider himself entitled to the property under the forged deed before alluded to, in which it is not improbable he had some share. On this point, however, we solicit the instructions of your Hon'ble Board; in the meantime we shall instruct the several Collectors in whose districts the estates are situated to furnish us with every necessary information respecting them, and shall report the result to your Hon'ble Board as early as possible.

(6) Extract of a letter from Government to the Board of Revenue.
-dated 6th September 1815.

PARA. 7. The Vice-President in Council considers it to be necessary to issue any orders on the subject stated in the seventh paragraph of your letter, until he shall be furnished with the requisite details which, as noted in the last paragraph of your letter, you propose to submit to Government at as early a period as may be practicable.

(7) Extract of a letter from the Board of Revenue to the Governor-General in Council, dated the 10th November 1815.

PARA 4. With reference to the estates alluded to in the sixth and seventh paragraphs of our address above quoted, we instructed the several Collectors to furnish us with the information necessary to enable us to report on the subject. This they

Collector of Nadia, 15th August.
Ditto of Burdwan, 31st August.
Ditto of Murshidabad, 5th September.
Ditto of Jessore, 13th October.
Ditto of 24-Perganahs, 24th ultimo.

have done, and from these reports it will be seen that the estates are inconsiderable, are already assessed with a public revenue, and with the exception of one, are in the possession of the present Mutwallis. The receipts from the pergunahs of Khallispore and Jugotty indeed in the Jessore district are included in the above sum of Rs. 44,652. Malouncha in Burdwan is stated to have been granted by the late Hajee Mohsin as a dependent talook to a person of the name of Golam Hussain and is in the possession of the latter, and the profit arising from turuf Kidderpore in the 24-Perganahs is stated to be only Rs. 274 after payment of the public revenue. Of Immanagore in the district of Murshidabad no satisfactory trace has yet been ascertained, and the lands and buildings in Hooghly probably appertained to the Imambara.

5. It was before agitated whether these estates and other lands (not being in the towloutnama or deed of trust, and Hajee Mohsin having died without heirs) might not be considered as an escheat to Government; but under the foregoing view your Excellency in Council may perhaps be induced to waive this claim, and to allow the occupants to retain possession of them at their present jama, especially as it is probable that the profits arising from these sources (particularly the lands situated in Hooghly) are already included in the general disburse-

ments of the institution, and will become subject to the control of the ameen. In that case the adoption of any particular measures with respect to these lands will not be necessary.

(8) Extract of a letter from the Government to the Board of Revenue, dated 24th November 1815.

PARA. 3. Under the circumstances stated in the fourth and fifth paragraphs of your letter, His Lordship in Council is pleased to sanction the measure which you recommend with regard to Malouncha and turuf Kidderpore, etc., which are to be allowed to remain with the actual occupants at the present *jama*.

B

Note by Deputy Superintendent, Legal Affairs, on the suits proposed to be instituted by the Local Agents at Hooghly for the recovery of the estates of Malouncha and Kantagunge.

It is unnecessary for me in the present stage of this case to enter into a consideration of the probable result of the suits which the Local Agents propose to institute; but I may say generally that, although I have little doubt that the documents under which the present occupiers of Malouncha and Kantagunge hold these estates are forgeries, and that there was a time when their claims might have been successfully resisted, yet I much fear that that time is now passed. Without, however, going into this question, the first point to be decided is whether the Local Agents can, in such capacity, maintain an action for these estates, supposing the title of the present owners to be ever so bad. It appears that neither Malouncha nor Kantagunge is included in the towleutnama, and they are consequently no part of the endowment. This fact seems to be fatal to the course originally suggested, for whether the Government be the Mutwalli, or whether it be merely vested with the general superintendence of the endowment as Hakim, it can, in neither case, lay claim to property which forms no part of the endowment. The only other ground on which the Local Agents could maintain an action would be that, as Hajee Mohsin died without heirs, such of his estates as were not included in the towleutnama may be considered an escheat to Government; but I see that on 24th November 1815 the Governor-General in Council, on the recommendation of the then Board of Revenue consented to waive the claim to escheat, and allowed the occupants of the kharij-towleut lands to retain possession of them at the *jama* then assessed upon the same. Under these circumstances I do not see how the revenue authorities could at this time of day come forward with a claim on the ground that the lands are an escheat. It may, however, be as well to call upon the Local Agents, through the Commissioner, for a report as to the present condition of those kharij-towleut lands. I see from an extract from a letter addressed to the

Board by the Commissioner on 18th July 1836, and these lands entail a large annual loss upon the trust estates. How this should happen I am unable to understand. It would seem to me that if they be not attached to the endowment, they ought to be altogether separated from it, and certainly the endowment ought not to suffer any detriment from the charges of management of estates with which, as I conceive, it has nothing to do. This matter ought to be looked into.

(Sd.) M. A. BIGNELL.

The 17th February 1838.

Also *vide* the following letters :—

1. No. 60, dated 27th February 1838, from the Board of Revenue to the Commissioner of Jessore.
2. No. 224, dated 30th April 1838, from the Commissioner of Jessore to the Board of Revenue.
3. No. 197, dated 15th May 1838, from the Board of Revenue to the Commissioner of Jessore.

REVENUE DEPARTMENT.

Land Revenue.

No. 219.

From

J. A. BOURDILLON, Esq.,

Acting Assistant Secretary to the Government of Bengal.

To

The Offg. Secretary to the Board of Revenue,

Land Revenue Department.

Calcutta, the 26th January 1876.

SIR,

I am directed to acknowledge the receipt of your letter No. 746A of 22nd December 1875, submitting a report on the subject of the management, by the Committee appointed in the district of Hooghly under Act XX of 1863, of that portion of the proceeds of the Syedpore trust which is appropriated to religious uses.

2. In reply, I am to state that the Member in charge has correctly understood the intentions of Government, the orders appointing the Committee of Management were purposely so worded as to show that it was not meant to transfer to the Committee the charge of the Syedpore estate, but only to make over to them that portion of the proceeds of the endowment which is appropriated to religious uses. The orders passed by Government in 1863, and quoted in the 2nd paragraph of your letter, should now be carried into effect. The Lieutenant Governor also agrees to the proposal made by the Member in charge that a sum of Rs. 750 per month should be allowed on account of the Imambara religious establishments, chargeable to the four ninths share of the income of the estate, and that this amount should be paid to the Committee accordingly.

3. With regard to the kharij towleut estates, I am to remark that, in the orders of 1838, it was not absolutely declared that the Mutwali of the Imambara should be an independent malguzar, but only that the then Mutwalli, should, so far as the control of the Local Agents was concerned, be as an independent malguzar. The Lieutenant-Governor agrees with the Member in charge in thinking that these orders would not necessarily extend to the present Mutwalli, but that, under the circumstances of the case, it is needless to press the question of the title which Government might possibly be able to establish to these lands. His Honour, therefore, will not object to the kharij towleut lands being considered as vested in the religious manager of the Imambara as a trust, for the purposes of the institution; but he is clearly of opinion that they should be placed under the control of

the Committee and that their accounts should be kept separate from those of the original waqf.

4. Referring to the 13th paragraph of your letter, I am to state that the Lieutenant-Governor is of opinion that the proceeds of the ferry therein alluded to, must be maintained as funds belonging to the Syedpore estate, and the Mutwalli must not be permitted to appropriate them as appertaining to the kharij towleut lands. At the same time, His Honour desires to express a hope that it will not be necessary for Government to intimate its dissatisfaction with the proceedings of the newly appointed Mutwalli, but that that gentleman will recognize the propriety of the orders now communicated, and will act in harmony with the Local Agents.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd) J. A. BOURDILLON,

Acting Assistant Secretary to the Government of Bengal.

No. 49A.

° Letter No. 219, dated 26th January 1876 from the Government of Bengal to the Board of Revenue, regarding management by a Committee under Act 20 of 1863 of that portion of the proceeds of the Syedpur Trust which is appropriated to religious uses.

Copy of this letter* and of that to which it is a reply forwarded to the Commissioner of Burdwan for information and guidance with reference to his letter No. 571 dated 11th December last and connected correspondence. The formal transfer of charge should be reported to the Board as soon as it is made.

By order, etc.,
Offg. Secretary.

BOARD OF REVENUE,
5th February 1876.

No. 129.

From

HORACE A. COCKERELL, Esq.,
Commissioner, Burdwan Division.

To

The Secretary to the Board of Revenue, L. P.

Dated Howrah, the 23rd May 1876.

SIR,

I have the honour to acknowledge the receipt of your No. 49A., dated 5th February 1876, with its enclosures, regarding the transfer of the charge of properties to the committee appointed under Act XX of 1863, for the management of that portion of the proceeds of the Syedpore Trust Estate which is appropriated to religious uses.

2. In reply, I beg to submit copy of a letter No. 58 dated 17th April and of its enclosures from the Local Agent of Hooghly reporting on the transfer of the charge and to observe that I approve of his proposal to make over to the committee the properties enumerated in the lists* I and II.

3. With regard to the properties which have not been handed over to the committee, I beg to state that I reserve my recommendation pending the receipt of the further report promised by the Local Agent.

I have the honour to be,

• SIR,

Your most obedient servant, .

(Sd.) HORACE A. COCKERELL,
Commissioner.

No. 58.

From

SIR W. J. HERSCHEL,
Local Agent, Hooghly,

To

The Commissioner of the Burdwan Division.

Dated Hooghly, the 17th April 1876.

SIR,

I have the honour to report that on the 1st instant, I made over to the Committee of Management appointed under

* Enclosed with Board's Memo. No. 668 A., dated 31st July 1877.

Government orders No. 1822, dated 23rd July 1875, under Act XX of 1863, the properties and charges described in the orders of Government No. 219, dated 26th January 1876, communicated to me with your No. 254, dated 24th February.

2. The Members of the Committee present were :—

The Hon'ble Nawab Ashghur Ali Khan, C.S.I.,

Syed Amir Ali, M.A.

Mir Mahomed Kazem Jouhari.

Syed Moorteza.

Mirza Mobarik Ali *alias* Mirza Amirjan.

3 The Board's letter and the orders of Government thereon No. 219, were read to the committee.

4. A list, No. *I of lands composing the Kharij Towleut was laid before them (of which I enclose a copy). These lands are now in the possession of the Mutwalli as such, and he holds them from 1st March last under the control of the committee.

5. A list No. *II of lands described in the orders of Government, as being the "Imambarah at Hooghly and the garden and Bazar and other grounds adjoining it" was also laid before the committee, a copy of which is enclosed. It was prepared so as to include only those lands which had always been understood to be within the definition used by Government, to which I have added the burial ground item No. 2 which is clearly covered by the spirit of the Government orders. The Mutwalli has held these lands since, the 1st March under the committee. On these two lists the orders of Government have been already pronounced (except No. 12).

6. All other lands held under management of the Mutwalli have been included in a third list No. *III of which copy is annexed. On some of them orders will be required hereafter. This list includes lands of the following classes :—

(a) Syedpore estate lands, covered by the original Towleutnamah other than the large property in the charge of the Collector of Jessore.

(b) Lands purchased out of or improved by Syedpore surplus funds by the Mutawalli.

(c) Lands given to the Imambara by Mahomedan gentlemen or communities. A copy of the list is annexed shewing these classes separately.

7. In class (a) are included all "original," i.e., Towleut lands although they may have been "improved" by the late Mutwalli out of his own pocket or out of the $\frac{1}{3}$ ths share or out of other funds possibly. In class (b) are included all lands not in the Towliut or Kharij Towleut, to the purchase or acquisition or improvement of which any portion of the $\frac{1}{3}$ ths or $\frac{1}{3}$ ths share has been applied, whether the

Mutwally's private purse or any other contributed to the same end or not. Under this class would come some petty plots of land included in list II, viz., in the grounds adjoining the Imambara. The orders of Government may be held, I think, to obviate discussion about these and they find their place therefore in that list and not here, e.g. 8 or 9 of List II. In Class C are those lands which the late Mutwally has stated in writing expressly to have been acquired for the Waqf out of his own money (where it does not otherwise appear that the Syedpur surplus funds were also used) and all lands given by other persons or communities to the Waqf.

8. I have handed over none of these lands in the 3rd list to the Committee at present, because the orders do not authorize me to do so. But it seems clear that the 3rd class of these lands should be transferred, as there is no doubt as to meaning of the owners. The properties are all small and the donors unquestionably intended them as additions to the Imambara for religious purposes. Orders on this will be asked hereafter.

9. The several lists submitted herewith shew the origin of each property and the character of the claim upon it and its value where known. The committee consented to my retaining the lands on the 3rd List in the second and third parts thereof pending their own review of each case.

10. (a) I have handed over the cash balance in the Collector's Treasury belonging to the $\frac{1}{3}$ th (Mutwally's) and $\frac{2}{3}$ ths shares to the Mutwally to be held at the disposal of the Committee. The sums were :—

			Rs.	A.	P.
$\frac{2}{3}$ ths share	...	..	3,292	8	0
$\frac{1}{3}$ th „	...	...	0	0	2
			<hr/>		
Total	...	...	3,292	8	2

(b) With the Committee inspected the Mutwally's Treasure chest, also the cash balance book, and found it apparently well-kept and in good order. The sums in his possession were :—

			Rs.	A.	P.
$\frac{2}{3}$ ths share	...	..	966	8	9
$\frac{1}{3}$ th (his own undrawn)	...	...	8	8	9
Deposit	...	...	1,425	8	10
Total	...	...	2,400	10	4

besides Government paper 2,500 rupees, and the balance of the $\frac{2}{3}$ ths share in his hands and the $\frac{1}{3}$ th College share.

(c) I found, however that the item Deposit included probably sums belonging to the $\frac{2}{3}$ ths share, which, if worth the trouble will be eliminated.

(d) The Government paper is stated by the Mutwally to belong entirely to the Trust property under the 3rd part of the 3rd list, i.e., modern waqfs to the Inambara. I shall satisfy myself about this. At present it is made over to the Committee on his assurance.

(e) There is a small debtor and creditor account between the ½ths and ¼ths shares for a temporary loan to the former, which will have to be adjusted. The cash balances above-noted are noted as found in hand on visitation. They will be reduced to the balances on hand on 1st March, since which date expenditure has been running "on behalf of the Committee."

11. The Committee examined the List of Inambara furniture and ceremonial decorations, and inspected the articles themselves. The list is that of 1874 and I affixed my signature to it for reference. It is believed to be sufficiently accurate at the present date. The gold and silver plates were found in the treasure room under lock and key of the Mutwally.

12. The above are, I believe, all the matters that require notice in this report. The Committee have been furnished with copies of the 3 lists of lands and of this letter and will, after consideration of it, offer any remarks they have to make, and I will then submit result for final orders.

13. I enclose herewith a copy of my letter to the Committee No. 60.

I have, etc.,

(Sd.) W. HERSCHEL,

Local Agent.

No. 60.

From

SIR W. J. HERSCHEL, BART.,

Local Agent, Hooghly,

To

Syed Amir Ali, M.A.,
Calcutta,

Dated Hooghly, the 17th April 1876.

SIR,

Acknowledging your letter dated 6th instant, I have the honour to send you herewith your draft memorandum of the proceedings at the meeting of the 1st April with the few alterations which I have made.

2. My report of the proceedings to the Commissioner has been delayed until I could examine the cash balance and lists of lands more carefully, I have the honour now to enclose copy of that report as in some respects a better basis I think, for the adjustment of few remaining points than the proceedings at our preliminary meeting.

3. Annexed to it you will find the copies of the 3 *lists of lands, together with my opinion on each.

4. I have directed the Mutwally to hold the lands in Lists I and II as in your possession since the 1st March. They include all the lands clearly covered by the Government orders, and one No. 12 in List II, which I propose to make over in the same spirit. Lands in List III class (a) will not be made over to the Committee. Regarding those in classes "b" and "c" I propose obtaining special orders of Government after consulting the views of the committee, with which I request that I may be favoured. Meanwhile I enclose copy of my instructions regarding all lands to the Mutwally, (No. 59).

I have etc.

(Sd.) W. HERSCHEL,

Local Agent.

No. 59.

From

SIR W. J. HERSCHEL, BART,

Local Agent, Hooghly.

To

The Mutwally of the Hooghly Emambara.

Dated Hooghly, the 17th April 1876.

SIR,

With regard to collections from lands in your charge you should not have taken it on yourself to decide which lands should be shewn in the Committee's accounts and which in the Local Agent's. The proper course for you was to refer to the Local Agent for orders. The lands which are in future to be borne on the Local Agent's list are being separated now in this office from those which are to be borne on the Committee's list and after consultation with the Committee, the orders on the subject will be communicated to you.

2. Meanwhile you will credit the receipts from lands or houses of every kind in your possession to a special head in the Local Agent's accounts, called "Receipt from landed property and houses under adjustment with the Committee" except the lands described in the two accompanying lists of lands regarding which the orders of Government have been already issued. *Lists I and II. The receipts from these you will credit from 1st March to the Committee. Another list No. III*

* Enclosed with Board's Memo. No. 668 A., dated 31st July 1877.

classes (a) and (b) of all other lands accompanies this and of these the income is to be credited to the special head above described. Class (c) of the same list covers lands in your possession with which the Local Agents have nothing to do. You will not include their receipts in the special head named but you should keep a separate account of them on your own responsibility to such authority as Government may hereafter decide to be entitled to claim the account.

3. I request you will let me know at once the amount of receipts in March. Details will not be wanted till the lands are separated.

I have, etc.,

(Sd.) W. J. HERSCHEL,
Local Agent.

P. S.—The fixed allowance of Rs. 750 a month paid to the Committee in March last should be shewn on the debit side of the account herewith returned.

(Sd.) W. HERSCHEL.

No. 656A., dated Fort William, the 20th November 1876.

Memo.—by T. B. LANE, Esq., Secretary to the Board of Revenue, L. P.

COPY of the following forwarded to the Secretary to the Government of Bengal, Revenue Department, with reference to Government order No. 219, dated 26th January 1876, for sanction to the arrangement.

No. 414, dated Burdwan, the 8th November 1876.

From—H. A. COCKERELL, Esq., Commissioner of Burdwan.

To—The Secretary to the Board of Revenue, L. P.

With reference to Board's No. 247A, dated the 30th June last, approving of the arrangement that the actual custody of the cash belonging to the Committee appointed under Act XX of 1863 for the management of the Mohsin Imambara should be with the treasury but that a deposit account kept separately should be opened for such funds, I have the honour to forward copy of a memorandum No. 435T.C., dated the 6th September, from the Officiating Deputy Accountant-General, Bengal, to the address of the Local Agent, Hooghly, in which it is intimated that the religious portion of the fund cannot be separated from the secular part and placed under the sole control of the Committee appointed under Act XX of 1863 in regard to drawings from the treasury without the special sanction of Government. I request, therefore, that the Board will obtain the orders of Government sanctioning the separation and authorizing the Committee to draw from its funds in deposit in the Hooghly treasury.

2. I beg to observe that the Government in paragraph 2 of its No. 219, dated the 26th January 1876, to the Board, has already intimated its approval to the proposal to transfer to the Committee that portion of the proceeds of the endowment which is appropriated to religious uses. What is now required is a formal sanction to the arrangement as an authority with the Account Department for the separation of the funds in regard to drawings from the treasury.

No. 435T. C., dated, Calcutta, the 6th September 1876.

From—E. W. KELLNER, Esq., Offg. Deputy Accountant-General, Bengal,

To—The Local Agent, Hooghly.

In reply to your No. 115, dated 18th July last, I have the honour to inform you that the religious portion of the Hooghly Imambara Trust Fund cannot be separated from the secular part and placed under the sole control of the Committee appointed under Act XX of 1863 in regard to drawings from the treasury without the special sanction of Government.

REVENUE DEPARTMENT,
LAND REVENUE.

No. 3104.

From

COLMAN MACAULAY, Esq.,

Acting Assistant Secretary to the Government of Bengal.

To

The Secretary to the Board of Revenue.

Calcutta, the 28th November 1876.

SIR,

With reference to your endorsement No. 656A of the 20th November 1876, and its annexures, I am directed to say that the Lieutenant-Governor sanctions, on the recommendation of the Member in charge, the proposed arrangement that the actual custody of the cash belonging to the Committee appointed under Act XX of 1863, for the management of the religious part of the Syedpur Mohsin Endowment in Hooghly shall be with the Treasury in that district, a deposit account being separately opened for such funds, from which the Committee is authorized to draw for its purposes.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) COLMAN MACAULAY,

Acting. Asst. Secy. to the Govt. of Bengal.

No. 668A., dated Fort William, the 31st July 1877.

Memo. by—R. H. WILSON, Esq., Officiating Secretary to the
Board of Revenue, L. P.

Copy of this letter, and of the one to which it is a reply, with enclosures, submitted to the Secretary to the Government of Bengal in the Revenue Department, with reference to Government order No. 219, dated the 26th January 1876, for confirmation of the orders issued by the Board.

No. 411A., dated Fort William, the 31st July 1877.

From—R. H. WILSON, Esq., Officiating Secretary to the
Board of Revenue, L. P.

To—The Commissioner of the Burdwan Division.

With reference to your letter No. 299, dated 18th instant, and enclosure, regarding the transfer of the charge of certain

List I.	properties to the Committee appointed under
Nos. 12 and 13 of list II. (not Act XX of 1863, for the management of that	
III, as stated by you)	portion of the proceeds of the Syedpur Trust
No. 2 of list III(a)	Estate which is appropriated to religious uses,
Nos. 1-4 of list III(c), Part I.	

I am directed to state that in addition to the properties already made over to the Committee, the Board approve of the transfer to their charge of those noted in the margin.

2. As regards item 1 in List No. III, Class (a), I am desired to state that Government have already, in order No. 219, dated 26th January 1876, copy of which was forwarded to you with this office endorsement No. 49A., dated the 5th February 1876, directed that the proceeds of the ferry shall be treated as part of the Syudpore estate, and not appropriated by the Mutwali. These orders must now be carried out.

3. On your recommendation, the Board also approve of the Local Agent's proposal to relinquish the properties entered as items Nos. 1 to 10 in List No. III(b), on condition that the necessary repairs are executed out of the religious share of the funds at the disposal of the Committee.

No. 299, dated Burdwan, the 18th July 1877.

From—H. A. COCKERELL, Esq., Commissioner of the Burdwan Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your No. 414A., dated the 8th November 1876 I have the honour to submit herewith copy of letter No. 63, of 23rd June, 1877, and of its enclosures, from the Local Agent, Hooghly, regarding the transfer charge of the properties to the Committee appointed under Act XX of 1863, for the management of that portion of the proceeds of the Sydupore Trust Estate which is appropriated to religious uses.

2. A copy of the Local Agent's letter No. 58, dated 17th April 1876, referred to in his present letter, was submitted to the Board with this office No. 129, of the 23rd May 1876, to which I also solicit a reference.

3. The Local Agent has now explained the grounds of his proposal with sufficient clearness and recommends that in addition to the properties already made over to the Committee, those noted in the margin* may be transferred to their charge. He adds that he has no objection to give up the properties Nos. 1 to 10 of List No. III(b) on condition that necessary repairs are executed out of the religious share of the funds at the disposal of the committee.

- * Nos. 12 and 13 of List No. II
- No. 2 of List No. III (a).
- Nos. 1 to 4 of List No. III (c),
Part I.
- „ 1 to 10 of List No. III (c),
Part II.

4. I beg leave to support the Local Agent's proposals and submit them for the approval of the Board of Revenue.

No. 63, dated Hooghly, the 23rd June 1877.

From—SIR W. J. HERSCHEL, BART., Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division.

With reference to your No. 174, of the 13th November 1876, and subsequent reminders, I have the honour to state that I find there was a certain obscurity about class (c) lands. My remarks in the column

"character of claim" (see my original List III, Class (c), are evidently not quite correct, nor my remarks about Class (c) lands in paragraph 7 of this office No. 58, dated the 17th April 1876.

2. I have now broken the class up into two parts, the first part, lands. etc., which have been given to the Mohsinia Emambara, commonly called the "Chota Emambara" in this correspondence; and the other lands belonging either to the Burra Emambara or to the Mahomedan community, and now in charge of the Mutwali as a private individual with which the Local Agents have nothing to do.

3. Looking now at the situations of items Nos. 2 and 3 in List III, Class (a), I find that they should have originally been placed in List II and made over to the Committee under the words "the other grounds adjoining it." They are separated from the Emambara only by the breadth of the road. I have, therefore, now placed them in that list, and I recommend that they may be made over to the committee.

4. For convenience I now submit revised lists bringing the correspondence up to date and showing opposite each item the opinion of the Committee and my own recommendation.

LIST No. I.

Kharij Towleut property

No.	NAME.	Committee's opinion.	Local Agents' recommendations.
1	Lakhiraj lands of Bagh Belur, mouza Prasadnagar, 24-Pergunnahs, opposite the Emambara on the other side of the Hooghly.	The Committee do not think it necessary to make any observations, as these have been made over to them without reserve.	Government order No. 219, dated 26th January 1876, paragraph 3, make the kharij towleut property over to the Committee in the words "His Honour, therefore, will not object to the kharij towleut lands being considered as vested in the religious Manager of the Emambara as a trust for the purpose of the institution; but he is clearly of opinion that they should be placed under the control of the committee, and that their accounts should be kept separate from those of the original waqf." They were made over to the Committee accordingly on the 1st April 1876. See my letter No. 58, dated 17th April 1876.
2	Mouza Taraf Kismat Kidiripore, 24-Parganahs.		
3	Lakhiraj lands of mouza Sonadanga, Parganah Satahika, zilla Burdwan.		
4	Kuntagange, zillah Nudua.		
5	Emamnagar in Murshidabad.		
6	Twenty-seven cottahs of lakhiraj land in Chinsurah.		
7	Two pucca houses with 15 cottahs of land at Sonatali in Hooghly.		
8	Four bighas and 14 cottahs of land in Sahakhala in Hooghly district.		

LIST No. II.

1	Emambara	The Committee think no observations necessary, as these have been made over to them without reserve.	Government order No. 219, dated 26th January 1876, places these at the disposal of the Committee under the words "The Emambara at Hooghly and the garden, bazar, and other grounds adjoining it," quoted in Board's letter No. 746A, of the 22nd December 1875. They were made over to the Committee accordingly on 1st April 1876. See my letter No. 58, dated 17th April 1876.
2	Ghat of the Emambazar Hat ...		
3	Hat Imambazar		
4	Bagh Magbera, or burying garden, with a house for gardeners and another big and airy house.		
5	Shakir Ali Khan's house (Municipal No. 75).		
6	A piece of land on the front of Shakir Ali Khan's house turned into a little garden.		
7	A bridge and small room on the river side and east of the inner apartment of Shakir Ali's house.		
8	"New garden" east of the Emambazar drain and north of Emambazar Road		
9	A pucca house (Municipal No. 88) on a lakhiraj land on the river bank and on the east of the "New garden."		
10	An astana on 1½ cottahs of land south of the Emambazar Road.		
11	Mosafirghana, or travellers' guest room.		

No.	NAME.	Committee's opinion.	Local Agents' recommendations.
12	Moodikhana, south of the Emambazar Road (Municipal No. 42).	About these two and the ferry in List III, class (a), the Committee say that notwithstanding their apparently secular character, these seem to be so connected with the Emambara that it would be hardly possible, without confusing matters, to separate them from their management. See column "Committee's opinion" in List III, class (a).	Upon looking at the position of these I find they should have originally been entered in list No II, under the words quoted above. I have now placed them in the proper list, and recommend that they be made over to the Committee.
13	Municipal No. 78, a house of west of the road passing in front of the Bara Emambara.		

LIST No. III—CLASS A.

1	Ferry	About the ferry the committee say :—"Unless we are mistaken, they seem, notwithstanding their apparently secular character to be connected in such a way with the Emambara that it would be hardly possible, without confusing matters to separate them from our management. At least they appear to contribute towards the general expenses of the Emambara (we speak, of course under correction) and we should have thought it would have been made correct if they have been made correct over to us for the purpose of the religious trust."	The ferry is ordered by Government to be reserve to g^{th} s (paragraph 4 of Government letter No. 219, dated 26th January 1876) "The Lieutenant-Governor is of opinion that the proceeds of the ferry therein alluded to must be maintained as funds belonging to the Syedpur Estate and the Mutwalli must not be permitted to appropriate them as appertaining to the kharij tomlent lands. "See also paragraph 6 of Commissioner's No. 254 dated 24th February 1876.
2	Moorley Pirghar, in Jessore ...	Have nothing to say.	In my report No 58, I recommended that this be made over to the Committee. The cost of maintaining it is included (Rs. 100) per month in the lump allowance of Rs 750 per month lately made to the Committee. Its <i>raison d'être</i> is purely religious.

LIST No. III—CLASS B.

1	Three cottahs of lakhiraj land in Gholaghat (Municipal No. 105).	The Committee object to these being reserved to the g^{th} s. They say that inasmuch as these have been acquired out of the g^{th} s share they form part and parcel of that share, and their proceeds should be applied exclusively to religious uses.	I repeat and adhere to my remarks in my first report :—"These purchases appear to have been all made simply as investments of surplus proceeds. I doubt whether the acquisition of landed property was a legitimate use of the funds made over to the Mutwalli for current religious expenses. But as the Local Agent received the whole income to the credit of the g^{th} s under the heads of "Rcyti Mohal" or "Kereya Mehal" till April 1873 (when the late Mutwalli began to credit some to the g^{th} s). I think the lands should be held added to the tomlent property, i.e. to g^{th} s, proceeds being paid wholly by the Local Agents into the Treasury and thence distributed." Thus the committee will receive all that is rightfully theirs. The tendency of the late Mutwalli to enlarge the premises and buildings threatens to make the secular share chargeable with additional costs of repairs. This is quite inconsistent with the theory that the Mutwalli may at the same time treat any of the moneys in his hands as surplus and invest them to the sole credit of the religious share. I should be willing to give these up on condition that the share be wholly exempted from any liability for repairs.
2	Eight cottahs of lakhiraj land west of Gholaghat.		
3	Two cottahs and 13 $\frac{1}{2}$ chittacks of land west of the canal bridge and road which are on the north of the Jail.		
4	Five cottahs and 8 $\frac{1}{2}$ chittacks of land (Municipal No. 1) west of the Emambara road.		
5	Thirteen cottahs and 7 $\frac{1}{2}$ chittacks of land (Municipal No. 26).		
6	Pucca house on 1 $\frac{1}{2}$ cottahs of land (Municipal No. 25).		
7	Two houses and a lakhiraj land (Municipal No. 39) south of the Emambazar Road, and east of the drain.		
8	A house with 8 $\frac{1}{2}$ cottahs of lakhiraj land (Municipal No. 77).		
9	Jangli Shah's garden.		
10	Four cottahs of lakhiraj land south of the ferry ghat, and east of the Emambazar road.		
Road on the front of the Emambara extending from the gate of the Collector's house to the jail bridge.		The Committee think that the right of the Emambara over this be left as it has existed all along.	I agree. Nothing agreed to between the Local Agents, and the Committee can affect the right of the Municipality or the public.

LIST No. III—CLASS C.

PART I.

Lands, etc., which have been given to the Mohsinia Emambara.

No.	NAME.	Committee's opinion.	Local Agent's recommendations.
1	Inner apartment of Shakir Ali's house, otherwise called "Muhammadi Begum's house." with 11½ cottahs of land	The properties given to the Choto or Mohsinia Emambara should be made over to them (the Committee).	I recommended that these be made over to the Committee. They were given to the Emambara, which is now made over to the Committee, by Muhammadan gentlemen for religious purposes only. And are in possession of the Mutwali, and thus in some degree of the Local Agent. I have no objection to separate them (as by this sheet) from similar gifts made to the Bara Emambara (with which the Local Agent never has had anything to do, and which I place in the next sheet) and to make them over to the Committee as they suggest.
2	A tank with about 4 bighas 12 cottahs and 11 chittacks of land (Municipal No. 55) in Moheslea Emambazar.		
3	Stable and coach house with nine cottahs of lakhiraj land (Municipal No. 88).		
4	Land in Karbajea, including tank.		

LIST No. III—CLASS C

PART II.

Lands, etc., belonging either to the Bara Emambara or to the Muhammadan Community

1	Bara Emambara	The Committee say that the Bara Emambara, with the properties belonging to it, should remain in charge of the Mutwali of that Emambara whoever he may be. They however, do not say anything about the lands belonging to the Muhammadan Community.	With these properties the Local Agents have nothing to do. See remarks on last sheet.
2	A house (Municipal No. 56) north of the tank in Part I.		
3	A pucca house with lakhiraj land east of Bara Emambara (Municipal No. 76.)		
4	A pucca house with eight cottahs of lakhiraj land south of Bara Emambara.		
5	A piece of lakhiraj land in Mogulpoura, east of the garden of Syed Bazial Huq.		
6	Burial ground for the Sheeahs, south of the Bara Emambara and east of a public road.		
7	Burial ground for the Sheeahs, west of the Pepulpati road, not far from the Bara Emambara.		
8	Four bighas and 16 cottahs of lakhiraj land with a tank called "boorhanpookur" in Koolihanda		
9	Nazir Jugra's garden (Municipal No. 47).		
10	Katra, called Shaesta Khan's Masjid in Monulla Shahabad.		

REVENUE DEPARTMENT,
Land Revenue.

No. 2158.

From

H. H. RISLEY, Esq.,

Offg. Under-Secretary to the Government of Bengal,

To

Offg. Secretary to the Board of Revenue,

Land Revenue Department.

CALCUTTA,

The 9th August 1877.

SIR,

I am directed to acknowledge the receipt of your docket No. 668 A., dated 31st July 1877, with its annexures and in reply to say that the Lieutenant-Governor confirms the orders issued by the Board approving of the transfer of certain items of property therein mentioned to the charge of the Committee appointed under Act XX of 1863 for the management of that portion of the proceeds of the Syedpore Trust Estate which is appropriated to religious purposes, in addition to those already made over to the committee under Government order No. 219, dated 26th January 1876.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. H. RISLEY,

Offg. Under-Secretary to the Govt. of Bengal.

From

H. L. HARRISON, Esq.,

Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal.

General Department.

FORT WILLIAM,

The 18th April 1879.

SIR,

I am desired to acknowledge the receipt of Government order No. 283, dated 2nd instant, and enclosures, calling for an expression of the Board's opinion on the proposals made by the Accountant-General of Bengal, for the management of the Mohsin Endowment Fund, so far as the accounts are concerned and in reply to state as follows.

2. Mr. Westland's letter nowhere gives any account of how the funds are actually supervised, and as the Board took up this matter last year, in order to satisfy themselves that due supervision was exercised and obtained what seemed satisfactory information, they think that it will be well if they preface their report by giving a further account of how the fund is administered.

3. As pointed out by Mr. Westland almost the entire income of the fund is derived from the Syedpur estate in Jessore. The Accountant-General appears to be under the impression that the affairs of this estate are administered by the Collector without any supervision; but as, a matter of fact, it is treated precisely on the same footing as a ward's or attached estate. As almost the whole estate is leased in putni, the Collector manages—it, but he has an establishment to assist him, and has to submit a report in precisely the same manner as for any ward's estate. The annual report is reviewed by the Commissioner and the Board and the receipts and expenditure subjected to the same supervision as is exercised in the case of any ward's estate. Return No. XXXI of the estate for 1877-78 is herewith submitted in original for the inspection of Government in illustration of how the account stands.

4. The Collector of Jessore remits Rs. 60,000 a year at present to the trustees and those who manage the fund at Hooghly. The income of the estate is somewhat in excess of that amount, and Rs. 27,000 have accumulated at Jessore; but the payments for Road Cess and Public Works Cess exceed the receipts on that account by some thousands of rupees, and this has somewhat diminished the income. The Board feel little doubt, however, that Rs. 63,000 might now be remitted annually, which would give exactly Rs. 7,000 for a one-ninth share, and they propose to order the remittance of this amount in future. It is obviously much better for the Emambara to have a uniform amount to spend as

the value of each share year by year being the maximum amount the estate can pay regularly, than to have a fluctuating amount being the precise one-ninth for each share of the actual surplus of receipts over expenditure.

5. As regards the disposal of Rs. 60,000 mentioned above, which forms the bulk of the Trust Fund, and is divided into the shares one-ninth, three-ninths, one-ninth, and four-ninths, I am to state that in March 1878, the Board initiated a correspondence with the Accountant-General, the Commissioner of Burdwan, and the Collector of Hooghly, with the express purpose of ascertaining how the accounts of the fund were kept. The information obtained by them seems slightly different from that given by the Accountant-General in his paragraph 5, where he states that "the receipts, expenditure and balances are nowhere brought together so as to be shown as a single account." The Collector of Hooghly reported that the Local Agents submit monthly, quarterly and annual accounts of the fund to the Commissioner; and on the Board asking the Commissioner for copies of the accounts for the past three years ending with 1877-78, the Commissioner forwarded the accompanying accounts, which are submitted, in original, for the information of Government.

6. I am to point out that for the year 1875-76, some details are given of the charges against the three-ninths share, but in the subsequent years this is not done. Details are given of the expenditure from the four-ninths share and totals of the expenditure of the other shares. This seems the simpler and more correct course, as one of the one-ninth shares belongs to the Mutwalli as his salary, three-ninths to the committee to spend as they please subject to the check of an action for breach of trust, and the other one-ninth is simply paid to the Hooghly College.

7. As regards the four-ninths share, the annual returns do not go into minute details; but the expenditure is classified under the different heads so as to admit of every supervision and for calls for more detailed information if desired. The miscellaneous receipts also are given with some details. Finally, a very clear abstract is made out, showing the receipts of each share of the fund from each major head, its expenditure in the lump, and the balance at the end of the year. The only share that has a balance of any consequence is of course, the four-ninths share. The Board on receipt of these returns, considered that they bore evidence that the fund accounts were being correctly kept up, and contended themselves with asking to have a copy of each annual return sent to them in future when received with the object of examining it, and supervising it in their office.

8. The actual state of things seems somewhat better than that supposed by Mr. Westland in his paragraph 13, "there is no audit or examination of the charges outside the department of the Collector's office which draws them, and that department remaining as it does in possession of the vouchers, could practically do anything it liked with the moneys." Nevertheless, a more critical and formal audit would

no doubt be desirable as regards the expenditure from the four-ninths share.

9. Mr. Westland's proposals appear to be:—

- (a) To take the management of the Syedpur estate under the control of his office, to audit its expenditure and to keep its accounts in the manner shown as revenue account in the annexure to his letter. Of course the actual administration of the estate would be carried on by the Collector of Jessore under the supervision of his office.
- (b) To make over to the administrators the three-ninths and the one-ninth shares, and ask no further questions about them; also the sanctioned expenditure for the Emambara establishment.
- (c) To keep a separate head of account for the hospital, the pensions and certain other heads of account now chargeable to the four-ninths share, reserving the surplus, as generally available, for Mahomedan education. He would abolish the system of deposits as being a clumsy system, and all expenditure would be audited and checked in his office.

10. The note in the Bengal office sent with the Government order, correctly points out that the receipts from the Hooghly properties belong to the three-ninths share, and are managed by the Committee; hence no account of them need be kept up or audited. In other respects, this note concurs generally in the recommendations of the Accountant-General.

11. It will be seen from the foregoing account that these recommendations do not amount to any great change except of a technical character, in the system now actually adopted, except it be in the transfer of the supervision to the Accountant-General's office; and as regards what Mr. Westland calls the expenditure part, of the fund, the Board in general concur with him. The accounts sent herewith show that for the year 1876-77, no detailed accounts are being kept of the three-ninths or one-ninth share, while the form of abstracts showing the state of each share indicates at a glance that neither more nor less than the proper amount is made over, the object contemplated in Mr. Westland's paragraph 9. Again, as regards the suggestion marked B in the note, though the receipts of the bazars, gardens, etc., are at present actually credited to the three-ninths share, they are left to the management of the committee and no details are shown. Detailed accounts are kept only of the four-ninths share, which is at the disposal of Government, and the accounts show at a glance what amount is available for general educational expenditure. These accounts are kept by the Local Agents and are at present generally supervised by the Commissioner and the Board.

12. As, however, the accounts of this part of the fund, substantially consists of payments under proper sanction, the Board see no

objection whatever to the accounts being kept up in the Accountant-General's office and to the expenditure being drawn from the treasury on the same forms and under the same procedure as charges of Government, if the Government are willing, without throwing any additional charge on the fund, to extend to a fund of this sort the same elaborate control and audit of the Accountant-General's office as applied to the expenditure of Government money properly so called. It will be necessary, however, to give considerable powers of sanction for hospital contingencies and other miscellaneous expenditure to the Local Agents.

13. It will be thus seen that the Board have nothing to urge against most of the recommendations of the Accountant-General, as well as against the recommendation to leave the committee to manage the receipts of a miscellaneous character, which belong to the three-ninths share; but as regards the Syudpur estate, the Board doubt whether it would gain by being transferred to the supervision of the Accountant-General's office. Although the expenditure in the management of an estate of that kind needs supervision, it is necessarily of a very elastic character, such as law expenses, stamps, stationery, and other contingencies. The ordinary fixed establishment is easily checked as are the payments for land revenue, the cesses, and the dâk assessment. The expenses that need supervision are just of that character, which hardly admit of the somewhat mechanical control which the Account Office would naturally exercise.

14. Moreover, in managing an estate there is as a rule, quite as much, if not more, need of supervision over the receipts, especially the collections of rents and cesses, as over the disbursements. Where speculation has been discovered in such estates, it is far more often in intercepting receipts than in making away with money once brought upon the accounts of the estate. The Board doubt whether the Accountant-General's office will be quite qualified for the discharge of his duty, whether he will find it easy to look after the arrears and weigh the value of the explanations given; in any case the duty will be a novel one. The Board would fear that the probable result of the Accountant-General's proposal might be to relieve the Collector from the supervision now exercised over him by the Board and Commissioner without substituting for it any other effectual control.

15. I am, therefore, desired to recommend that the Government should leave the estate under the control of the Revenue authorities and be content with its receiving the same supervision as the ward's estates do. This may be far from perfect, but it is as much as the multifarious duties of those officers admit of.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. L. HARRISON,

Secretary.

GENERAL DEPARTMENT,
Education.

No. 501.

From

H. L. HARRISON, Esq.,

Offg. Secretary to the Government of Bengal,

To

The Secretary to the Board of Revenue,

Land Revenue Department.

Calcutta, the 23rd August 1879.

SIR,

I am directed to acknowledge the receipt of your office letter No. 271 A, dated 18th April 1879, and in reply to say that, as regards the management of the Syedpore estate in Jessore, it does not appear that the Accountant-General intended to propose to supervise its management as understood by the Board; but only that the accounts of its receipts and expenditure should be compiled in a certain specified form. The Lieutenant-Governor agrees with the Board, that so far as the management of this estate is concerned, it had better remain unaltered; the Board supervising it precisely as they supervise Court of Ward's estates, and transferring periodically a certain definite amount in the accounts for the purposes of the Trust.

2. This amount should be fixed at the maximum sum, which can be met with regularity from the proceeds of the estate, so that, while on the one hand the supply of funds may be punctual and certain, on the other hand the balance at Jessore may not be more than will suffice to ensure the regular credit of the stipulated amount. The Board propose to raise this annual payment to Rs. 63,000 and refer to the fact that a surplus of Rs. 27,000 has accumulated, as justifying the probability that this amount can, in future, be remitted annually.

3. The Lieutenant-Governor has examined the annual returns of the estate for the last ten years, and doubts whether they justify this proposal. If the present balance, which, it is observed, has now fallen to less than Rs. 21,000, is more than sufficient for a working balance, the surplus must be separately remitted to Hooghly, as it would not be just to the recipients of the endowment, and especially to the Mutwalli who has only a life-interest in it, to defer the division of funds which have already accumulated; the surplus balance therefore, and the interest of the small sum invested in securities cannot be utilized for the purpose of augmenting the annual remittance.

4. Omitting this source of income, it appears that the annual demand is now Rs. 1,66,781, and judging from the last ten years,

about 99 per cent. of this can be estimated as the average collections (say) Rs. 1,65,200. Against this the charges appear to be—

Land Revenue	...	...	...	Rs. 95,256
Cesses (excess of dues over demand)	...	...	...	„ 4,267
Zemindari dak	...	...	...	„ 655
Wards' rate	...	...	...	„ 887

Total Rs. ... 1,01,065

The surplus is, therefore, only about Rs. 64,135 out of which all charges for establishments, contingencies, and the excess of law charges over law cost recoveries, have to be met. It is obvious that it will not be possible to remit Rs. 63,000 out of this balance, and the Lieutenant-Governor thinks that for the present the liability to remit Rs. 60,000 annually should not be altered.

5. His Honour observes, however, that a very large arrear demand of over Rs. 1,00,000 has accumulated. This seems altogether excessive, and the Board should enquire whether it cannot be considerably reduced. If the balance in hand be thereby considerably increased, the surplus should be separately remitted to Hooghly for distribution.

6. This payment of Rs. 60,000 per annum gives Rs. 6,666 for each one-ninth share, and the following arrangements for the management of the Trust Fund have been prescribed in communication with the Accountant-General.

1st.—The payment will be made by the Collector of Jessore into his own treasury at the rate of Rs. 5,000 upon the last day of every month, being credited in his cash account by debit to the account of the Syedpur Estate. The first monthly payment will be made as soon as twelve months covered by the last annual payment of Rs. 60,000 have expired. The Collector will receive instructions from the Accountant-General on this point.

2nd.—The amount of the religious endowment being three-ninths, or, as fixed for the present, Rs. 1,666 a month, will be payable by the Collector of Hooghly upon a bill drawn by the Committee, who are administrators of the endowment for each month upon the first day of the next month.

3rd.—The Mutwalli's share of one-ninth will be payable to him in the same way.

4th.—The next share of four-ninths is subject to the following monthly charges, but is otherwise appropriable to secular purposes:—

Present sanctioned scale.

				Rs.	A.	P.
Imambara servants	...	...	...	750	0	0
Pensions	...	...	...	116	14	11
Establishment of the Local Agents at Hooghly				100	0	0
Hospital	...	...	...	609	6	11
Law charges	...	...	...	37	8	0

Total Rs. ... 1,613 13 10

5th.—These amounts will be drawn from the Hooghly Treasury. The allotment for Imambara servants on the simple receipt of the Committee as at present, and the remaining charges by the Local Agents (the Collector and Joint-Magistrate) in the same form, and under the same rules, which are applicable to establishment, contingent, and miscellaneous charges of Government.

6th.—In addition to the income of the Syudpore Estate, there are various miscellaneous items of income at Hooghly, viz., the receipts derived from certain lands, ferries and ghats. These have been made over to the Committee and form assets of the three-ninths share. The receipts and disbursements on this account may be left to the management of the Mutwalli who will continue as at present to remit the proceeds to the Committee, and these items need not be brought upon the accounts. But in addition to the properties belonging to the three-ninths share, there is a small property which belongs to all the shares, and the proceeds belonging to the four-ninths and one-ninth shares under Government control will, when received from the Mutwalli, be credited under the head of "income from Endowments, Hooghly property."

7th.—The charges and receipts in connection with Mahomedan education will be debited and credited to the fund by the Accountant-General.

8th.—There are two investments in connection with the fund: (1) the fixed investment of Rs. 10,57,000, formerly called the Hooghly College Fund. On this investment the Accountant-General will draw interest as it falls due, and will credit it to the fund. (2) The variable investment of the surplus balance of the four-ninths share which accumulates for objects connected with Mahomedan education. This interest will also be drawn by the Accountant-General and credited to the fund.

9th.—A detailed account of the fund will be rendered to the Government by the Accountant-General in accordance with Account Code. The following are the heads prescribed for classification:—

Receipts.

			Where paid in.
Income from endowments—			
Syudpore Trust Estate	...	...	Jessore.
Hooghly Property	...	...	Hooghly.
Interest on fixed investment	...	...	Accountant-General.
Interest on variable investment	...	...	Ditto.
Education—			
Madrasah fees	...	...	Various treasuries.
Miscellaneous	...	...	Ditto.
Miscellaneous—			
Investment—			
Sale of securities	...	...	Under Government orders.

Expenditure.

Where paid in.

Education—

Madrassahs at Dacca, Hooghly, Rajshahi and Chittagong	...	...	Various treasuries.
Maulvies in Government schools	...	...	Ditto.
Mohsin scholarships	Ditto.

Medical—

Hospital and dispensaries A	Hooghly.
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Miscellaneous—

Pensions A	Hooghly.
Local Agents' establishment A	Ditto.
Law charges A	Ditto.
Charges against Hooghly properties	Ditto.
Miscellaneous	Ditto.

Public Works—

Educational buildings	P. W. D.
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Religious endowment—

Mutwalli's one-ninth share	Hooghly.
Committee's three-ninths share	Ditto.
Imambara establishment A	Ditto.

Investment—

Purchase of securities	Under Government orders.
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N.B.—The items marked A are taken against the four-ninths share or the secular endowment.

7. The Board will communicate a copy of this order to the Commissioner of the Presidency Division, and also to the Commissioner of Burdwan, for communication to the Local Agents and Committee at Hooghly.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) ILLEGIBLE,

Offg. Secretary to the Govt. of Bengal.

No 25, dated Calcutta, the 10th May 1881.

From—The Members of the Committee for the Management of
the Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

We have the honour to call your attention to the dilapidated condition of the Hooghly Imambara and to the urgent necessity of placing the building in a state of thorough repair. We have felt it our duty several times before to bring the matter to the notice of the Local Agents and the Commissioner. The last communication on the subject received by us is dated 29th March 1878. In that the Commissioner, concurring with the Local Agents, thinks "that the repairs which are debitable and have always hitherto been paid out of the three-ninths share, should have been provided for by the Committee, who should not have allowed the Imambara to fall into such disrepair as to require a sum, it is now unable to furnish. The Committee should provide yearly a certain amount to meet the requisite repairs, and further, the Committee should take steps to repay the sum already borrowed and owing to the four-ninths share." It is needless for us here to point out for the consideration of Government, that the present Trustees render their services of supervision and control gratuitously, and that control and supervision we have always exercised in such matters as fall within the purview of our office with scrupulous regard to the wishes of the donor. It was impossible for us to make any reduction in the ordinary expenses of the Imambarah so as to effect a saving for the purposes of repairs. We mentioned this circumstance repeatedly in our numerous communications to the Local Agents and the Commissioner. We pointed out that there was no margin in the three-ninth share which would enable us to meet the charges necessary for a thorough repair. No notice was taken of our remarks, and the question was simply discussed upon the basis whether repairs should be paid out of the three-ninths share or four ninths share. Admitting that the repairs are primarily chargeable to the three-ninths share, we do not see upon a proper construction of the waqfnama which we are entitled to do, that we are precluded from calling upon the Government, on behalf of the Mahomadan community whose interest we represent, to provide from the four-ninths share the expenses requisite for the repairs of the Hooghly Imambara, the three-ninths share not being sufficient for the purpose. It is a mistaken view of the law, we submit respectfully, that because in the waqfnamah it is mentioned that repairs should primarily be paid out

of the three-ninth share, under no circumstance should the four-ninths share be chargeable with any expense of the kind. If the donor had been alive at the present moment, he would not have insisted upon such construction of the deed. The Government, as a matter of fact, is the real Mutwalli of the Hooghly Imambara, and we, as Trustees, feel it our duty to urge respectfully the necessity of its making some provision for the repairs of the building which it holds in trust with other property of the donor. We beg to mention that our position as Trustees is an anomalous one, considering that we have no control either on the receipts or disbursements of the endowment as a whole. Under Act XX of 1863, we are simply vested with a supervisory direction over the Manager or Mutwalli, to whom the Government has delegated its own duties as far as the religious portion of the trust is concerned. The charges which the Commissioner has thought proper to bring against us that we have allowed the Imambara to fall into disrepair is an unjustifiable accusation. We did our duty by repeatedly calling the attention of the responsible officers of Government, from the very time we took charge, to the condition of the building and the necessity for repairs and the utter impossibility of meeting the expenses of the repairs from the sum allowed for religious purposes, but found ourselves always travelling in a circle. We beg again to call the attention of Government to the condition of the building, and leave it to decide whether it will allow the Imambara to go into disrepair upon a technical construction of the deed, or whether it would grant a sufficient sum out of the four-ninth share to meet the charges for the necessary repairs. We would refer to paragraph 9 of letter No. 4036, dated the 30th October 1863, from the Officiating Secretary to the Government of Bengal, in support of our view that, when the three-ninths share is not sufficient to meet the expenses of the repairs such expenses should be paid out of the interest of the accumulated fund. The passage to which we refer runs thus:—"Accordingly, it was declared that in pursuance of those principles there remained at the disposal of Government for general purposes of a beneficent nature, first, one-ninth of the annual income from the zemindari; second, the lapsed pensions, etc.; third, the entire amount arising from the interest on the accumulated fund and the Government directed that after setting apart from this last mentioned fund such amount as might be necessary to provide appropriate buildings, including the charges of rebuilding or repairing Imambara" and other religious edifices if it should be necessary to renew these, the whole of the remainder should be considered as a trust fund, the interest of which, with the other items might be appropriated to the purposes of education."

No. 316 T.

Forwarded in original to the Board of Revenue, in the Land Revenue Department, for the favour of a full and early report, which

should be accompanied by a statement of the present state of the Imambara funds, the alleged indebtedness of the three-ninths share, the present state of the buildings, and the probable cost of repairs.

The return of original papers is requested.

By order of the Lieutenant-Governor of Bengal,

(Sd.) A. MACKENZIE.

Secretary to the Government of Bengal.

DARJEELING,
Revenue Department,
Land Revenue.
The 26th May 1881.

No. 433 A.

From

H. J. S. Cotton, Esq.,

Officiating Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal, General Dept.

Dated Fort William, the 12th July 1881.

SIR,

I am directed to acknowledge receipt of your endorsement No. 316 T., dated 26th May 1881, forwarding for report an application dated 10th May 1881, from the Members of the Committee for the Management of the Hooghly Imambara, asking that the cost of the repairs of the Imambara may be debited to the surplus proceeds of the $\frac{3}{4}$ ths share of the endowment.

2. In reply, I am directed to submit herewith copy of a report furnished by the Commissioner of Burdwan, No. 254, dated 24th June 1881, and to observe as follows.

3. There is no doubt that the Towleutnama, or deed of trusteeship executed by the late Hadjee Mahomed Mohsin, according to which the surplus proceeds of the Syudpore Estate, after paying the Government revenue, were to be divided into nine equal shares, directed that the

See enclosures from Legal Remembrancer to Government, with Government order to address of the Board, No. 4036, dated 30th October 1863.

first three shares (or the $\frac{3}{4}$ ths share as it is called) were to be appropriated to the expenses of the religious observances for the Prophet and his descendants, for the other appointed

festivals, and for the repairs of the Imambara and burying ground. It was the intention, therefore, of the testator that the $\frac{3}{4}$ ths share should provide the expenditure which, the Committee who control the management of that share, desire should now be defrayed by the $\frac{3}{4}$ ths share.

The $\frac{3}{4}$ ths share amounts to a sum of Rs. 20,000 per annum. This sum

See paragraph 6 of Government order to the address of the Board No. 501, dated 23rd August 1879.

is paid monthly by the Collector of Hooghly upon a bill drawn by the Committee who are administrators of the endowment, and the

entire control over the expenditure vests in the members of the Committee. In addition to this fixed income there are various miscellaneous items of income at Hooghly, viz., the receipts derived from certain lands, ferries, and ghats which are made over to the Committee and form part of the $\frac{3}{4}$ ths share. There is no account kept of these items, but their receipt goes to swell the amount of the religious endowment at the disposal of the Mutwalli and the Committee.

4. It has often been proposed (but it has never yet been directed) that the cost of repairing the Imambara should be defrayed, not by the three-ninths share only, but also by the four-ninths share,

and in paragraph 5 of a report from the Local Agent of Hooghly, No. 42, dated 28th April 1875, it was stated :—

“I would here beg to remind you that in the event of the funds to the credit of the three-ninths share not being sufficient to meet the cost of repairing or rebuilding the Imambara, funds for the purpose will have to be provided from the savings to the credit of of the four-ninths share. Under these circumstances, I respectfully deprecate the transfer to the Mahomedan endowment Fund of any part of the surplus of the income of the four-ninths share or savings which have accumulated in the Local Agent's hands to the credit of that share.”

The Government orders upon this representation are contained in paragraph 3 of the Government letter to the address of the Commissioner of Burdwan No. 1692, dated 29th May 1875, in the Education Department as follows :—

“The Lieutenant Governor agrees in the opinion expressed in the 5th paragraph of the Local Agent's letter that in the event of the three-ninths share falling short of what is required for the religious objects of the trust, it might reasonably be expected that the deficit should be supplied from the surplus of the four-ninths share; and accordingly it would be His Honour's wish to deal with the surplus and the accumulations of that share in such a manner as to leave a sufficient margin to meet any claim of this kind which might be likely to be made. But I am at the same time to repeat that the surplus income of the four-ninths share, and the accrued accumulations of it, are assets of the Mahomed Mohsin Education Endowment Fund, and that the Government is at full liberty to expend them at its discretion for the advancement of Mahomedan education. It has already been determined that the cost of erecting Madrassas at Dacca, Chittagong, and Rajshahye shall be debited to these assets of the fund.

5. The total amount of the four-ninths share is Rs. 26,666 a year or Rs. 2,222 a month. The charges debitable

The detail of charges given in this letter is apparently reproduced from the Commissioner of Burdwan's letter No. 421, dated 29th January 1864, to the address of the Board.

to this share according to the scale reproduced in clause 4, paragraph 6 of the Government letter No. 501, dated 23rd August 1879, and the charges now actually incurred according

to subsequent sanction given from time to time by the Government, Board, and Commissioner (and some of which seem to have received no proper sanction) stand side by side as follows :—

		Scale according to the Government order cited.			Scale actually in force.		
		Rs.	A.	P.	Rs.	A.	P.
Imambara servants	...	750	0	0	787	12	5
Pensions	... ..	116	14	11	26	5	4
Local Agent's establishment	...	100	0	0	51	0	0
Hospital	... ..	609	6	11	716	2	8
Law charges	... ..	37	8	0	.....	
Total	...	1,613	13	10	1,581	4	5

6. In a communication No. 683 A, dated 23rd September 1880, of

The allotment for the Imambura servants is under the control of the Committee; the remaining charges are controlled by the Local Agents.

which a copy was submitted to Government with this office No. 666 A. of the same day's date, the Board informed the Commissioner of

Burdwan that the scale of expenditure actually in force was to be accepted as the sanctioned scale, and authorized the Local Agents and the Committee to regulate the details of expenditure within the limit of each of the headings so long as the total amount sanctioned for each of the headings was not exceeded within the year. The total sanctioned yearly expenditure being, therefore (Rs. 1,581-4-5 \times 12), Rs. 18,975-5, and the actual assets of

* Clause 8 of paragraph 6 of Government order No. 501, dated 23rd August 1879.

the four-ninths share being Rs. 26,666 an annual available surplus remains of Rs. 7,691.

Under the *orders in force this surplus balance is invested and accumulated for objects connected with Mahomedan education.

7. The facts being as above stated, it remains, with the Government to decide whether any contribution should now be made from the surplus assets of the four-ninths share on account of the repairs of the Imambara. Those funds are at present devoted to the encouragement of Mahomedan education, and the Board have no control or concern whatever in the disposal of this surplus. It would, seem however, that if the principle is admitted of making a grant from this surplus in aid of repairs upon which the assests of the three-ninths share should properly be expended, it would be desirable before making any grant to ascertain more precisely the condition of the accounts of the three-ninths share. The Board have no cognizance of the administration of the large sums of money annually paid away to the Mutwalli and the Committee on account of the three-ninths share. The Accountant-General, Bengal, also exercises no audit over this expenditure. The Board would, therefore, suggest to Government that it might be well to ask the members of the Committee to furnish some account of the annual expenditure incurred by them; and it is probable that from an examination of this statement the necessity or otherwise of a grant-in-aid from the assests of the four-ninths share could be inferred with greater confidence than at present.

8. The Board agree with the Commissioner that it would be advisable, if it is eventually determined to make a grant, to cause an estimate of the cost of repairs to be prepared by the officers of the Public Works Department.

9. The original petition is herewith returned.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Offg. Secretary

No. 254, dated Chinsura, the 24th June 1881.

FROM—J. BEAMES, Esq., Offg. Commissioner of the Burdwan Division.

TO—The Secretary to the Board of Revenue, L. P.

I have the honour to report on the petition of the Hooghly Imambarah Committee received with your No. 387A. dated 3rd June.

2. The petitioners represent that the Imambarah building is in a dilapidated state, and that the funds of the three-ninths share are insufficient to pay for the repairs; they, therefore, pray for assistance from the four-ninths share.

3. It is hardly correct to say that the building is dilapidated. It wants certain amount of repair, chiefly renewal of plaster on outer walls and here and there a new beam in the roof, but in other respects it is in excellent order, both within and without. I visit it frequently and do not think it is in need of very extensive repairs.

4. It must, also, be borne in mind, in considering this and similar applications, that the building is very large, and elaborately decorated. It was built, regardless of expense, by the late Mutwalli, Syed Keramat Ali, and is not only larger than is required for the purposes to which it is devoted, but larger than the funds of the three-ninths share can well afford to maintain.

5. It must also be remembered that we have no control over the expenditure of the three-ninths share; and it has often struck me that there is a certain amount of waste in this direction. For instance, at the Mohurram festival preparations are made on a very grand scale, but the concourse of people is not so great as one would expect from the preparations made. With a less pretentious building, and more economy in internal management, it is possible that the three-ninth share might amply suffice for the calls made on it.

6. I now proceed to discuss the principal question in the case whether if the funds of the 3ths share are inadequate to the maintenance of the building, a contribution can be made from the 4th share

7. In order to make my report complete, it will not be necessary for me to give the whole history of the well-known Mohsin Fund. I assume that the Board are well acquainted with this subject, and I confine myself to indicating such facts of the very voluminous correspondence as will help us in ascertaining what are the orders of Government on this point.

8. The division of the property into nine shares, and the further division into three, two and four-ninths were made by the founder, Mohamed Mohsin, himself, and in the wakf or Deed of appropriation he included the repairs of the Imambarah in the objects to which the

three-ninths share should be applied. The old Imambara of his days is still standing. It is a very modest building, less than one quarter the size of the new and splendid edifice with which the trustees have since burdened themselves.

9. The first important letter of recent date which I shall refer to is Government No. 4036, dated 30th October 1863, to address of Board. In the Legal Remembrancer's report attached to this letter, the Board will find a complete summary of the proceedings from the creation of the endowment up to that date. From paragraphs 7, 8, and 9 of the Government letter, it will be seen that the $\frac{3}{4}$ ths share was then assigned "for the current expenses of the Imambara," and that the charge of rebuilding or repairing the Imambara has somehow got transferred to the $\frac{3}{4}$ ths share (see clause 3 of paragraph 9), although it is admitted in paragraph 5 that the repairs were originally debitable to the $\frac{3}{4}$ ths share, and the $\frac{3}{4}$ ths share was originally applicable to secular purposes, namely, for establishment and pensions.

10. The next letter I shall quote is Government No. 3494, dated 20th November 1874, to the address of this office. This letter was written from the Educational Department. It will be observed that in paragraph 4, clause (c) of this letter, repairs of the Imambara are not included in the objects to which the $\frac{3}{4}$ ths share could be applied.

11. In Mr. Reynold's No. 1692, dated 29th May 1875, in the Educational Department, to the address of this office, it is said: "in the event of the income from the $\frac{3}{4}$ ths share falling short of what is required for the religious objects of the trust, it might reasonably be expected that the deficits should be supplied from the surplus of the $\frac{1}{4}$ ths share." At that time it appears that a monthly sum of Rs. 707-10-8 was regularly paid from the $\frac{3}{4}$ ths share towards the salaries of the Imambara establishment.

12. But although Government appears to have admitted the justice of this claim, it was pointed out that the primary and legitimate destination of the $\frac{3}{4}$ ths share with its accumulations was the maintenance of Mahomedan education throughout Bengal, as laid down in the wellknown resolution of the 29th July 1873. in the Educational Department.

13. In the correspondence ending with Government No. 219, dated 26th January 1876, Land Revenue, to address of Board, the only point material to our present subject is that the contribution for Imambara establishments from the $\frac{3}{4}$ ths share is limited to a sum of Rs. 750 a month, and it will be observed that nothing is said about contributions for repairs.

14. The present practice as regards collection and disbursement of the trust fund is based upon Government orders No. 501, dated 23rd August 1879, Educational Department, to address of Board. In that letter, paragraph, 6, clause 4, the charges against the $\frac{3}{4}$ ths share are given at Rs. 1,613-13-10 a month, and subject to this charge the whole of this share is appropriable to secular purposes.

15. In the detailed classification appended to this letter the heads of expenditure are given. The accounts are kept by the Accountant-General, neither in this office nor in that of the Local Agents is there any record of them.

16. It is for Government to decide whether any aid should be given to the Committee towards repairing the building. Although there are expressions here and there in the correspondence which favour the view that the repairs may be a charge on the $\frac{1}{4}$ th share, yet I do not think the general tone of the correspondence supports this view.

17. If it be determined to grant the aid prayed for, I would suggest that the building be first examined by an officer of the Public Works Department, and a proper estimate prepared. The Committee do not as far as my experience goes exercise any very strict control over the proceedings of the the Matawalli, who is inexperienced, and not a very good man of business. An estimate framed by him would be open to some doubt.

18. The petition is returned herewith.

No. 868 T., dated Darjeeling, the 30th July 1881.

From—A. MACKENZIE, Esq., Secretary to the Government of
Bengal. Revenue Department,

To—The Members of the Committee for the Management of
the Hooghly Imambara.

With reference to your letter No. 25, dated 10th May 1881, I am directed to say that if you can show that, after a careful and economical administration of the funds now at your disposal, you are unable to keep the Hooghly Imambara in proper repair, Government may possibly make a grant from the surplus proceeds of the $\frac{1}{3}$ th share of the endowment for this purpose. You have, however, filed no accounts to show in what manner you are spending the moneys at your disposal, and have not explained why funds cannot be made available from the $\frac{1}{3}$ th share for the repair of the building. Until this is done, the Lieutenant-Governor cannot entertain your application. The Commissioner reports that unnecessary outlay is incurred upon the ceremonial of the Imambara, quite out of proportion to the number of worshippers attending it, and that more economy might be exercised generally in the management of the $\frac{1}{3}$ th share.

No. 869 T.

Copy forwarded for the information of the Board of Revenue, with reference to Mr. Cotton's letter No. 433 A., dated 12th July 1881.

By order of the Lieutenant-Governor of Bengal,

(Sd.) A. MACKENZIE,

Secretary to the Government of Bengal.

DARJEELING,

The 30th July 1881.

Memo. No. 870T.. dated, Darjeeling, the 30th July 1881.

From—A. MACKENZIE. Esq., Secretary to the Government of
Bengal, Revenue Dept., .

To—The Public Works Department of this Government.

The Secretary in the Public Works Department of this Government is requested to be good enough to obtain and forward to this Department a detailed report from the Superintending Engineer on the condition of the Hooghly Imanbara, and an estimate of the cost of any repairs needed to the building.

No. 1931B., dated Calcutta, the 20th September 1881.

Endorsed by the Government of Bengal, Public Works Dept.

Forwarded to the Revenue Department of this Government, with reference to that Department's No. 870T., dated 30th July last. The detailed plans and estimate referred to will be forwarded on receipt.

No. 4805, dated, Chinsurah, the 6th September 1881.

From—L. ROBERTS, Esq., C. E., Executive Engineer, Burdwan Division,

To—The Superintending Engineer, Central Circle,

I have the honour to acknowledge the receipt of your No. 5165 of 9th ultimo, with takeed No. 5530 of the 25th ultimo.

2. Enclosed I beg to forward for information a general report on the site of the Hooghly Imambara.

3. The detailed estimate and plans of the building will be taken up as soon as ever, I have been able to submit the quadrennial repair estimates of the Division, which, to the amount of some Rs. 70,000 are still due.

No. 6128, dated Calcutta, the 15th September 1881.

MEMO. BY—A. J. HUGHES, Esq., Officiating Superintending Engineer, Central Circle.

Copy of above, and of its enclosure, submitted to the Chief Engineer, Bengal, for information, in reply, to Bengal Government's No. 1377B.. of 6th ultimo, with the intimation that on receipt of the detailed plans and estimate they will be submitted.

Report on the condition of the Hooghly Imambara with respect to repairs now necessary.

The Imambara buildings are in three different blocks, comprising (1) the main Imambara with courtyard in centre; (2) the Mutwalli's quarters on the east side of the main Imambara buildings; (3) a serai for travellers with coach-houses and stables erected opposite the Imambara entrance and across the public road.

(1) Main Imambara buildings.—There is a tolerably correct ground floor plan of this block with elevations, but no upper floor plans and no sections. All ground floor verandahs and courtyards are paved with stone in excellent condition, and needing only cleaning and pointing.

Floors—All the ground floor room floors and bath verandah and room floors of upper storey are terraced. They are rather out of repair, and will probably want 10 per cent. of their total area renewed with beaten soorkee plaster. The floors of the north range

of the quadrangle constituting the Imambara proper are stone paved throughout except the lobby, which has a marble floor. These are in good preservation and will need only cleaning.

Roofs—The roofs generally are in good order and will want very few patch repairs.

Walls—The walls of the block are apparently in a thoroughly sound condition and need only be sand rubbed or whitewashed, as the case may be, with unimportant patch repairs to plaster. In the vicinity of the two towers, however, which have settled considerably, the arches and walls have been cracked. It will be necessary here, therefore, to renew all the arches and repair the arches in the walls.

Timber work.—From a cursory observation, I think about 10 per cent. of the beams of the east, west and north ranges and perhaps five per cent. of the burgahs will have to be renewed; also a few of the door sills such as are exposed to rain. The north range is in much better preservation and will require very few timbers renewed. At the entrance of this range, however, there is a shingle roofed verandah, about 100' × 25' carried upon architraves resting on pillars. This roof with the architraves must be replaced, the rafters being allowed to stand.

Alterations.—In the way of alteration the Mutwalli wishes six windows opened out (6' × 4') in one of the rooms of the east range of this block.

Doors and windows.—The doors and windows of the block are in very good preservation and will require little repairs.

Painting.—The whole of the wood-work must receive two coats of paint.

(2) **Mutwalli's quarters**.—These quarters are in need principally of sand rubbing, whitewashing and painting. It would appear that very few of the timbers require changing. The Mutwalli complains, however, that the building is damp, and I think it should be asphalted throughout.

The servants' quarters are a very old range of buildings and will need most of their roof timbers changed, and the roof itself half terraced throughout.

(3) **Serai**.—This building with the coach houses and stables attached will require sand rubbing, whitewashing and painting throughout, with only a small proportion of the roof timbers changed. Its floors and roofs are in good order.

(Sd.) L. ROBERTS, C.E.,

Executive Engineer, Burdwan Division.

No. 1331 B., dated Calcutta, the 15th April 1882.

From—O. HOERNLE, Esq., Offg. Assistant Secretary to the
Government of Bengal, Public Works Department,

To—The Secretary to the Government of Bengal, Revenue
Department.

With reference to the Revenue Department's office memorandum No. 870 T—B, dated 1st ultimo, and in continuation of this office No. 1931B, dated 20th September last, the undersigned has the honour to forward herewith the estimate amounting to Rs. 24,834, for executing thorough repairs to the Imambara buildings at Hooghly, together with plans (five) of the buildings.

No. 1346—481 L.R., dated Calcutta, the 23rd May 1882.

From—C. S. BAYLEY, Esq., Offg. Under-Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue in the Land Revenue Department.

With reference to your letter No, 433 A, dated the 12th July 1881, I am directed to request that the Board will be so good as to submit, in consultation with the Accountant-General, a report showing the precise financial position of the four-ninths share of the net income of the Hooghly Imambara property and to state what sum, if any, could be made available from this source for the repairs of the Imambara buildings

No. 41, dated Calcutta, the June 1882.

From—The Members of the Committee for the Management of the Hooghly Imambara,

To—The Offg. Under-Secretary to the Government of Bengal.

With reference to Mr. Mackenzie's letter No. 868T., dated the 30th July 1881, and yours dated the 23rd May last, we have the honour to forward herewith an account, drawn up in the office of the Hooghly Imambarah, of the receipts and disbursements connected with the institution for the last 12 years, viz., from April 1869 to March 1881, together with a copy of the letter from the Mutwalli to this office, dated the 24th December 1881, and a copy of the letter No. 52 of the 13th June 1881, from the Mutwalli to the Local Agents.

The accompanying accounts will enable His Honour the Lieutenant-Governor to understand exactly the financial position of the Imambara and our inability to suggest any economy in the expenditure connected therewith.

The religious observances are conducted as economically as possible, and the establishment, in our opinion, admits of no reduction. We regret to find that the Commissioner holds a contrary opinion; but when it is considered that the prices of provisions have increased largely within the last 10 or 12 years, and that no difference can possibly be made in the religious ceremonies observed in the Imambara, we think Government will have little difficulty in agreeing with us that the economy which is urged upon us is out of the question.

We have given our best attention to the question, and we have come to the conclusion that instead of any reduction in the expenditure, it is necessary, if the Imambara is to maintain its religious prestige among the community, that there should be an increase. We are not prepared, however, at present to move Government on this point, but we think that unless a grant is made to us from the surplus funds of the four-ninths share for the purpose of repairing the Imambara, the institution will fall into decay and ruin. The need of placing the Imambara in a thorough state of repair is most urgent, and we, therefore, trust His Honour the Lieutenant-Governor will be pleased to make a special grant to enable us to have the Imambara repaired thoroughly.

No. 138, dated Hooghly, the 24th December 1881.

From—MOULVI ASHRAFUDDIN AHMED, Mutwalli of the Hooghly Imambara.

To—The Committee of Management of the Imambara of Hooghly.

With reference to the Bengal Government No. 868T., of the 30th July, copy of which was forwarded to me with your No. 47 of the 2nd August last, I have the honour to enclose three statements of accounts showing the credits, debits, etc., in the three-ninths share of the Mohsin

Fund in my hand, the first from April 1869 to February 1876, comprising a period of six years and 11 months under the administration of the Local Agents, the second from March 1876 to March 1881, a period of five years and one month under your management, and the third from April 1869 to March 1881, including a total of 12 years under both, along with a copy of this office No. 52, dated the 13th June last, and beg to inform you that the reasons why funds cannot be made available from the three-ninths share for the repairs of the building are given in the above letter No. 52, copy of which was forwarded to you by this office No. 53 of the 21st June 1881.

As for unnecessary outlay upon the ceremonials of the Imambara, I beg leave to state that all possible economy has already been exercised in the management of the three-ninths share, as will be seen from the accounts. Besides the expenses now incurred, I believe you are well aware that it is scarcely equal in proportion to the number of worshippers attending the Imambara during the solemn occasions and on Thursdays owing to the increase of everything at a much enhanced rate.

I may add here also that a list of all the ceremonies, etc., with the outlay incurred upon each, during the above 12 years, is being prepared, and can be submitted with a duplicate copy of the aforesaid three statements of accounts (for your office), if necessary, for expediting your report to Government.

No. 52, dated Hooghly, the 13th June 1881.

From—MOULVI ASHRAFUDDIN AHMED, Mutwallee of the Hooghly Imambara,

To—The Local Agent, Hooghly.

I have the honour to inform you that the Imambara is sorely in need of thorough repairs, and there is no money in the three-ninths share to undertake it, neither will it most probably be ever capable of bearing the cost, for the following reasons:—The extension given by the testator in the three-ninth share being greatly reduced by the Government, it is barely sufficient to cover the charges it is encumbered with, especially at a time when everything is raised at so enhanced a rate. Had the produce of the mehals (whole of which the testator gave purely for the sake of God with all its rights, immunities, and privileges, whole and entire, little or much, in it, with it, or from it; and whatever by way of appendage might arise from it, relate or belong to it, as a permanent appropriation for the expenditures mentioned in the deed of endowment), and of whatever arise from it, been, agreeably to the deed of appropriation, divided immediately after the payment of Government revenues, and the four-ninths share disbursed with payment of the establishment and of those whose names were inserted in the separate list signed by the testator, consisting of stipendiaries or (salary holders), respectable men, peadas and other persons, as zakareens, etc., including the daily expenses, the three-ninths share would have been quite sufficient to pay for the

charges of the observances of the Fohta of the Imams, of the 10 days of Mohorrums and all other blessed days of feasts and festivals, including the repairs of the Imambarah and cemetery. But the whole produce of the mehals Rs. 1,65,000, and of the investments Rs. 1,23,500, in your hands, and Rs. 10,57,000 called the College Fund, which arose undoubtedly by way of appendage from it, is not divided after the payment of Government revenue Rs. 95,256, the cesses, zemindaree dak and ward's rate, coming to Rs. 5,809, being also deducted from the gross income, and out of the remainder a fixed amount of only Rs. 60,000 per annum from the former and nothing out of the latter is divided into different shares, even the surplus amount in the hand of the Collector of Jessore which must have accumulated, a large sum being not yet remitted to Hooghly in conformity with the paragraph 3, Government letter, No. 501, Education of the 23rd August 1879.

The charge for zakareen was paid from the four-ninths share up to the end of August 1841, when it was transferred to the three-ninths share agreeably to your office roobakary dated 21st September 1841. Besides there are other stipendiaries, including some peadas in the Imambarah, who, instead of being paid from the four-ninths share, are provided from the three-ninths share, as that a large sum amounting to Rs. 568-7 per mensem or Rs. 6,821-4 per annum is paid as salary from the three-ninths share to meet the expenses of the four-ninths share.

For somewhat counterbalancing the above reduction in the three-ninths share, I suppose, Government has justly directed that after setting apart from the "last mentioned fund" [arising from (1) the one-ninth of the annual income from the zamindaree, (2) the lapsed pension, etc., and (3) the entire amount arising from the interest on the accumulated fund] such amount as might be necessary to provide appropriate building, including the charge of rebuilding or repairing Imambarah and other religious edifices, if it should be necessary to renew these, the whole of the remainder should be considered as a trust fund, the interests of which, with other items, might be appropriated to the purpose of education (*vide* section 3, paragraph 9 of the Bengal Government letter No. 4036, of the 30th October 1863). inasmuch as I believe "the full wish and desire" of the testator by this endowment was only "to keep up and continue the usages and charitable expenditure of the Fohta, etc., of the Hazrat" and for nothing else, the expenses of the rebuilding or repairing of the Imambarah should needs stand first of all other expenditure for which nothing is mentioned in the Deed of Waqf. There may be another reason for the Government justly adding the said section, viz., the repair from the three-ninths share of Imambarah mentioned in the Deed of Waqf is not of this magnificent edifice built by Government, but the old one which was much small and insignificant. And as Government erected this large Imambarah from the four-ninths share, the repair of which will take a large sum which the three-ninths

share can, by no means, afford to pay, it provided for its thorough repair in the above section

Under such circumstances I hope you will be good enough to lay the matter for the consideration of Government with your favourable opinion regarding the necessity of the sanction of an adequate sum (not less than Rs. 15,000) from the four-ninth share or some other fund for the thorough repair of the Imambarah, which did not undergo any for the last 12 years and is in a very dilapidated condition, so much so that there is every fear some of the parts may fall down, if steps be not promptly taken for the repairs.

Statement of accounts showing the income in the 3rd share of the Mohsin Fund in the Hooghly Emambarah from April 1869 to February 1876, a period of six years and 11 months, under the management of the Local Agents.

	Year 1869-70.	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	April 1875 to February 1876.	Total.
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Income from—								
Jessore*	30,000	0 0	26,666	11 0	20,000	0 0	20,000	0 0
Emambazar, &c.*	286	7 11½	334	10 1½	961	3 7½	790	8 10½
Gardenst†	20	3 7½	38	4 9	23	10 9	44	1 10½
Karballaht	.....		197	13 4½	164	5 6	177	10 3
Total	30,306	11 6½	13,904	1 8½	21,149	3 10½	21,012	4 11½
Fine realizations	0	14 0	18	1 0	57	8 6	5	2 0
Proceeds from the sale of articles.†	2	10 6	471	3 8	967	2 5	95	2 10½
Law proceedst	.....		511	3 0	50	4 0	.....
Miscellaneous income	.....		19	4 10½	0	8 0	11	0 0
Offerings†	2	6 3½	568	4 8	1,270	4 1½	535	0 8½
Net income	30,312	10 4½	15,492	2 11½	23,494	14 10½	21,658	10 6½
Refunds ...	109	2 6½	163	10 4½	\$219	6 10½	427	7 10½
Debt received	.....		2,000	0 0	.....		.....
Total	30,421	12 10½	17,655	13 3½	23,714	5 9½	22,086	2 5½
Deductions made in payment of debts ...	.....		.....		.....		.....
The amount of income left ...	30,421	12 10½	17,655	13 3½	23,714	5 9½	22,086	2 5½

* Included under one general head "Land Revenue."

† With the exception of a few rupees the whole sum has been offered by the Mutwalli in time, the present one taking charge on the 20th of July 1875.

‡ Including the change of silver into Rs. 10-12.

† Included under "Miscellaneous Income" in the annual accounts.

‡ With the exception of a few rupees the whole sum has been offered by the Mutwalli in time, the present one taking charge on the 20th of July 1875.

§ Including the change of silver into Rs. 10-12.

Statement of accounts showing the disbursements in the 3rd share of the Mohsin Fund in the Hooghly Emanbarah from April 1869 to February 1876, a period of six years and 11 months, under the management of the Local Agents.

Charges for—	Year 1869-70.		1870-71.		1871-72.		1872-73.		1873-74.		1874-75.		April 1875 to February 1876.		Total.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Bs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
The purchase of provisions	1,120	4 7			2,270	13 9	1,971	7 4½	1,548	9 8½	1,877	10 11½	1,222	4 7½	10,011	3 0
Mohurrums	5,341	7 5	5,883	9 0½	7,727	13 9½	4,524	2 0	3,931	5 4½	3,708	14 1½	4,447	2 0½	35,564	5 9½
The 40th day of the martyr of Emam Hossein	157	11 0½	155	8 0½	78	5 3½	79	6 9½	79	6 1	79	0 4½	78	9 1½	707	14 8½
Ramzan	3,056	14 1½	2,926	14 9½	2,998	15 6½	2,812	0 3½	3,442	12 5	2,676	0 8½	3,626	1 2	21,539	11 0½
Fateha of Emam	1,896	9 0½	4,480	11 7½	1,753	12 8½	1,851	11 11½	1,936	4 4½	1,673	1 6½	2,113	6 10	15,705	10 0½
Eedil Fitr	33	9 1½	31	5 10	25	5 3	26	5 7½	46	12 6	46	0 1½	54	8 5½	263	14 9½
Eedoozohah	122	9 8	25	0 0	121	6 4½	76	5 3½	124	6 7½	154	12 7	98	13 9	723	6 3½
Eedi Ghadeer	394	1 1½	197	2 8½	175	14 5½	196	14 9½	187	13 3½	177	13 4½	174	2 3	1,503	14 0
Edee Baba Shojaoodeen	162	0 9½	169	4 7½	143	2 4½	155	6 6½	128	3 5½	93	4 0½	155	0 10	1,006	6 7
Eedie Nowroze	71	12 4½	16	0 0	57	11 7½	16	0 0	77	11 5½	76	9 6½	56	9 7½	372	6 7½
The purchase of oil, sugar, rose-water, &c.	1,762	1 4	3,446	6 0½	1,473	1 5½	2,296	6 0	2,210	8 6½	1,882	12 11½	1,865	14 10½	14,937	3 2½
Total	14,119	0 6½	17,331	14 8½	16,826	6 7½	14,006	2 8½	13,713	13 9½	12,446	0 3½	13,892	9 7	1,02,336	0 1½
Charges for—																
Pay of Zakereens, &c.	4,597	12 0½	5,019	14 8½	5,146	3 5½	5,795	3 0½	5,569	7 10	5,047	11 9½	5,187	8 4½	36,363	13 2½
Pay of peadas	770	2 3½	768	0 0	764	14 6	771	1 6	768	0 0	768	0 0	704	0 0	5,314	2 3½

Do. gardeners ... Do. Hammanees	...	18 4 1½	104 14 6½	89 2 1	101 8 0	66 3 0½	44 0 0	423 15 9½
Total	...	...	...	...	...	...	...	...
Charges for—	...	...	...	...	...	...	...	...
Articles purchased	19,486 14 10½	23,138. 1 6½	22,842 7 1	20,661 9 3½	20,152 13 7½	18,327 15 1½	19,828 1 11½	1,44,437 15 6½
Ditto newly made	108 15 9	163 11 6	61 5 0	872 8 3	687 0 0	433 0 0	117 11 6	2,444 4 0
Ditto repaired ...	132 13 8	177 9 9	418 2 8½	189 5 2½	423 1 0½	40 2 8½	170 12 9½	1,551 15 10½
	450 2 2½	215 13 2	97 15 7½	91 3 2½	52 9 6	47 2 1½	91 2 4½	1,046 0 2
Total	20,178 14 5½	23,695 3 11½	23,419 14 5½	21,814 9 11½	21,315 8 2½	18,848 3 11	20,207 12 7½	1,49,480 3 7½
Charges for—	...	...	...	...	...	...	...	...
Building houses, &c.	7 4 4	...	3,371 8 3½	5,546 15 7½	1,581 7 8½	462 6 11½	...	10,969 10 11
Repairing houses, &c.	8,134 13 1½	10,686 5 4½	3,264 7 8½	971 11 10½	526 2 1	1,145 12 3½	593 8 6½	25,322 13 0
Purchasing houses, &c.	...	...	...	...	...	...	186 5 0	186 5 0
Total	28,320 15 11	34,381 9 4½	30,055 14 5½	28,333 5 6	23,423 1 11½	20,456 7 2	20,987 10 1½	1,85,959 0 6½
Charges for—	...	...	...	...	...	...	...	...
The improvement, &c., of Karballah*	2 0 0	264 3 9•	8 4 5½	542 7 7	472 11 9	44 11 0	18 6 4	1,352 12 10½
The improvement, &c. of Emanbazar and Ferry Ghat*	23 5 3	29 6 10	27 14 6	228 12 1	29 11 11	198 11 7½	21 6 4	559 4 6½
The improvement, &c., of gardens*	4 2 2	24 13 11½	41 12 10	7 0 2	14 15 6	3 9 0	4 2 3	100 7 10½
Keeping in good order water-pump, Turkish bath, &c.*	...	...	...	0 5 6	2 3 9	6 8 6	21 13 9	30 15 6
Keeping in good order the clocks*	1 0 0	1 2 0	...	2 4 0	1 0 0	0 2 0	11 2 5½	16 10 5½
Keeping in good order the chandeliers, pulpits, allams, &c.*	21 6 9	21 6 9	52 13 9	27 7 9	29 14 0	34 5 0	21 9 3	208 15 3

* Included under one general head in the annual accounts "Miscellaneous Expenditure," parts of which have also been transferred to other heads to which they properly belonged.

	Year 1869-70.	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	April 1875 to February 1876.	Total.
Charges for— <i>conold.</i>								
The binding, printing, &c., books for the Library* ...	...	...	...	...	...	235 14 0	12 14 0	248 12 0
Purchasing mats, &c.* ...	36 12 6	7 3 6	22 1 9	16 13 9	4 15 0	8 2 9	6 15 3	103 0 6
Assisting the poor, &c., rewarding people for killing snakes, &c.* ...	1 4 0	4 2 0	58 14 0	2 8 0	278 8 0	504 10 0	245 0 0	1,094 14 0
Travelling allowance and conveyance of articles, &c.* ...	19 8 6	23 1 6	20 0 6	18 1 3	21 7 0	23 0 0	35 4 3	160 7 0
Contingencies, &c.* ...	8 0 3½	10 8 0	6 6 6	28 1 3	136 1 6	12 10 9½	27 15 5½	129 11 9½
Law charges ...	220 10 0	80 4 9	58 7 9	14 13 0	395 7 3	200 5 9	20 1 9	990 2 3
Net expenditure ...	28,659 1 4½	34,847 14 4½	30,352 10 5½	29,221 15 10	24,710 1 7½	21,729 1 7½	21,434 5 2½	1,90,955 2 6½
Debts repaid ...	...	...	...	...	...	...	...	...
Embezzlement of the cashier ...	...	...	...	10,600 10 6½	...	...	...	10,600 10 6½
Transfer into other funds ...	...	...	...	391 14 6	...	...	...	391 14 6
Total amount of gross expenditure	28,659 1 4½	34,847 14 4½	30,352 10 5½	40,214 8 10½	24,710 1 7½	21,729 1 7½	21,434 5 2½	2,01,947 11 7½

* Included under one general head in the annual accounts "Miscellaneous Expenditure," parts of which have also been transferred to other heads to which they properly belonged.

† Including silver to the value of Rs. 16-8 changed.

Statement of accounts showing the Credits, Debits, and Balances in the $\frac{3}{8}$ th share from the year 1869-70 to February 1876, a period of 6 years and 11 months.

	Year 1869-70.	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	April 1875 to February 1876.	Total.
The amount of income left ...	Rs. A. P. 30,421 12 10½	Rs. A. P. 27,169 2 2½	Rs. A. P. 17,655 13 3½	Rs. A. P. 43,785 0 3½	Rs. A. P. 23,714 5 9½	Rs. A. P. 23,373 10 6½	Rs. A. P. 22,086 2 5½	Rs. A. P. ...
Balance from the pre- ceding years ...	Rs. A. P. 19,746 14 1	Rs. A. P. 21,509 9 7	Rs. A. P. 13,830 13 4½	Rs. A. P. 1,134 0 2½	Rs. A. P. 4,704 7 7½	Rs. A. P. 3,708 11 8½	Rs. A. P. 5,353 4 8	Rs. A. P. ...
Sum ...	Rs. A. P. 50,168 10 11½	Rs. A. P. 48,678 11 9½	Rs. A. P. 31,486 10 8½	Rs. A. P. 44,919 0 6	Rs. A. P. 28,418 13 4½	Rs. A. P. 27,082 6 3½	Rs. A. P. 27,439 7 1½	Rs. A. P. ...
Total of the gross ex- penditure ...	Rs. A. P. 28,659 1 4½	Rs. A. P. 34,847 14 4½	Rs. A. P. 30,352 10 5½	Rs. A. P. 40,214 8 10½	Rs. A. P. 24,710 1 7½	Rs. A. P. 21,729 1 7½	Rs. A. P. 21,434 5 2½	Rs. A. P. ...
Difference ...	Rs. A. P. 21,509 9 7	Rs. A. P. 13,830 13 4½	Rs. A. P. 1,134 0 2½	Rs. A. P. 4,704 7 7½	Rs. A. P. 3,708 11 8½	Rs. A. P. 5,353 4 8	Rs. A. P. 6,005 1 11	Rs. A. P. ...

* Amount of credits shown in the annual accounts.

+	"	debits	"	"
+	"	balances	"	"

Statement of accounts showing the pure Income and pure Expenditure and the amount of debt left unpaid in the 3rd share from April 1869 to February 1876, a period of 6 years and 11 months.

	Year 1869-70.		1870-71.		1871-72.		1872-73.		1873-74.		1874-75.		April 1875 to February 1876.		Total.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Net expenditure ...	28,659	1 4½	34,847	14 4½	30,352	10 5½	29,221	15 10	24,710	1 7½	21,729	1 7½	21,434	5 2½	1,90,955	2 6½
Refunds ...	109	2 6½	137	9 2½	163	10 4½	99	2 3½	219	6 10½	424	3 4	427	7 10½	1,580	10 6
Difference ...	28,549	14 10½	34,710	5 10½	30,189	0 1	29,122	13 6½	24,490	10 9½	21,304	14 3½	21,006	13 3½	1,89,374	8 0½
Balance in hand ...	...		...		...		...		...		...		...		6,005	1 11
Embezzlement of the cashier ...	...		...		...		...		...		...		...		10,600	10 6½
The amount of debt left unpaid (Rs. 11,391-14-6—R7,000) ...	...		...		...		...		...		...		...		2,05,980	4 6½*
The balance at the end of the year 1868-69	...		...		...		...		...		...		19,746	14 1	24,138	12 7
Difference ...	...		...		...		...		...		...		...		1,81,841	7 11½†
Transfer ...	...		...		...		...		...		...		...		391	14 6
Total amount of net income as shown above ...	...		...		...		...		...		...		...		1,82,233	6 5½*

* Sum.

† Pure income

Statement of accounts showing the Income in the 3th share of the Mohsin Fund in the Hooghly Emanbarah from March 1876 to March 1881, a period of five years and one month, under the management of the Committee appointed under Act XV of 1863.

	1876.		1876-77.		1877-78.		1878-79.		1879-80.		1880-81.		Total.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Income from—														
Jessore*	...	...	20,000	0 0	20,000	0 0	20,000	0 0	16,666	10 8	20,000	0 0	96,666	10 8
Emambazar, &c.*	63 11 4	...	295 9 8½	...	1,370 11 6½	...	840 8 6½	...	949 1 10½	...	989 8 4	...	4,509	3 4
Gardens†	0 7 0	...	13 14 3	...	57 15 3	...	0 0 6	...	31 10 7½	...	82 12 3	...	186 11	10½
Karbullah†	8 9 6	...	...	...	17 7 2½	...	72 0 0	...	8 0 0	...	27 0 0	...	133 0	8½
Interest on Government investment for Rs. 500†	...	...	...	...	20 0 0	...	20 0 0	...	30 0 0	...	...	...	70 0	0
Total	72 11 10	...	20,309 7 11½	...	21,466 2 0	...	20,932 9 0½	...	17,685 7 2	...	21,099 4 7	...	1,01,565	10 7
Fine realizations	0 4 0	...	7 4 0	...	15 0 0	...	8 4 0	...	7 8 0	...	39 12 0	...	78 0	0
Proceeds from the sale of articles†	92 13 0	...	32 0 6	...	35 6 9	...	18 3 9	...	1 4 9	...	12 11 3	...	192 8	0
Miscellaneous income†	...	...	1 0 0	...	4 0 0	...	2 0 0	...	...	...	40 5 7½	...	47 5	7½
Offerings†	35 0 0	...	220 0 0	...	282 1 0	...	135 5 9	...	192 4 6	...	283 6 3	...	1,148	1 6
Net income	200 12 10	...	20,569 12 5½	...	21,802 9 9	...	21,096 6 6½	...	17,886 8 5	...	21,475 7 8½	...	1,03,031	9 8½
Refunds	4 1 11	...	\$630 10 11	...	130 12 10	...	200 0 6	...	171 0 11	...	94 15 5½	...	1,231	10 6½
Debts received	...	...	...	...	...	...	1,500 0 0	...	7,934 0 0	...	**832 10 8	...	10,266	10 8
Total amount of gross income	204 14 9	...	21,200 7 4½	...	21,933 6 7	...	22,796 7 0½	...	25,991 9 4	...	22,403 1 9½	...	1,14,529	14 10½

* Included under one general head "Land Revenue."
† Included under "Miscellaneous Income" in the annual accounts.
‡ With the exception of a few rupees the whole sum has been offered by the Mut walli.
§ Including the promissory note for Rs. 500 purchased.
** Including the refund of Rs. 382-10-8 paid in excess of certain debt.

Statement of Accounts showing the Disbursements in the 3rd share of the Mohsin Fund in the Hooghly Enambarah from March 1876 to March 1881, a period of five years and one month, under the management of the Committee appointed under Act XV of 1863.

	1876.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	Total.
Charges for—							
The purchase, of provisions, etc.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Mohurrums ...	212 12 9	2,125 14 9	2,162 11 9	2,241 6 4	2,380 1 10	2,121 4 3½	11,244 3 8½
The 40th day of the martyr of Emam Hossein ...	321 11 3	4,544 15 10	4,544 6 3	4,562 7 2	4,552 0 2	4,485 9 4½	23,011 2 0½
Ramzan ...	105 13 6	...	152 3 6	69 10 9	85 5 6	57 14 9½	471 0 0½
The Fateha of Emam ...	...	2,721 4 0	2,575 1 1	2,897 12 1	2,779 15 10	2,658 12 5½	13,632 13 5½
Eedil Fitr ...	217 14 0	1,865 7 8	2,129 13 4	1,596 1 11	1,849 13 10	1,343 11 3½	9,002 14 0½
Eedoozzoha ...	...	42 9 5	42 0 2	35 1 10	27 0 3	25 4 8½	172 0 4½
Eedi Ghadeer ...	...	75 3 8	74 0 9	69 10 9	73 3 3	71 13 2	363 15 7
Eedi Baha Shojaoodeen ...	...	123 8 10	170 14 11	189 15 6	188 9 5	110 1 0½	783 1 8½
Eedi Nowraze ...	75 0 10	114 10 7	309 6 10	...	215 6 2	65 11 11	705 3 6
The purchase of oil, sugar, rose-water, etc. ...	...	20 0 0	75 0 11	20 0 0	75 0 11	75 0 10	340 3 6
	...	1,730 2 11	2,198 13 11½	2,306 9 4	1,149 11 6½	1,285 9 1	8,672 14 10
Charges for—							
Pay of the zekereens, etc.	933 4 4	13,363 13 8	14 434 9 5½	13,990 11 8	13,376 4 8½	12,300 12 11	68,399 8 9
Of peadas ...	475 4 0	5,727 2 4	5,683 13 8½	5,847 3 11	5,706 8 10	5,865 0 6½	29,305 1 4½
Of gardeners ...	64 0 0	768 0 0	767 5 9	768 0 0	768 0 0	768 0 0	3,903 5 9
Of Hammamees ...	4 0 0	47 9 9	50 7 0½	60 0 0	58 13 11	60 0 0	280 14 8½
	...	...	203 0 0	70 0 0	76 0 0	72 0 0	421 0 0
Charges for—							
The articles purchased	1,476 8 4	19,906 9 9	21,139 3 11½	20,735 15 7	19,985 11 5½	19,065 13 5½	1,02,309 14 6½
Ditto newly made	351 0 0	104 4 3	86 0 0	76 3 0	107 2 3	100 10 3	825 3 9
Ditto repaired	...	124 0 9	384 14 10	44 9 3	...	58 15 1½	612 7 11½
	...	56 2 10	45 14 9	44 5 5½	102 7 6	82 1 10	331 0 4½
Total	1,827 8 4	20,191 1 7	21,656 1 6½	20,901 1 3½	20,195 5 2½	19,307 8 8	1,04,078 10 7½

Charges for—	...	32 14 3	...	158 11 8	...	386 5 0	...	1,736 8 0	...	1,941 11 8	...	489 2 9	...	4,745 5 4
Building houses, etc.	...	...	...	...	...	...	...	1,518 10 0	...	...	...	...	...	1,518 10 0
Repairing houses, etc.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Purchasing houses, etc.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	...	1,860 6 7	...	20,349 13 3	...	22,042 6 6½	...	24,156 3 3½	...	22,137 0 10½	...	19,796 11 5	...	1,10,342 9 11½*
Charges for—	...	...	...	...	...	...	...	...	...	...	...	...	...	...
The improvement, etc., of Karballa*	...	0 8 0	...	4 0 0	...	9 0 0	...	37 1 6	...	23 6 0	...	11 8 0	...	85 7 6
The improvement, etc., of Emambazar*	...	...	...	20 7 0	...	28 10 6	...	15 5 0	...	13 9 3	...	30 8 6	...	108 8 3
The improvement, etc., of gardens*	...	...	...	3 6 9	...	1 15 0	...	1 10 7	...	4 12 1½	...	5 1 10½	...	16 14 4
Keeping in order water pump, Turkish bath, etc. ...	...	12 5 4	...	137 11 8	...	139 12 0	...	131 4 6	...	123 10 5	...	122 2 7½	...	666 14 6½
Keeping in order the clocks*	...	...	...	0 4 0	...	8 0 0	...	0 12 6	...	0 8 0	...	0 13 6	...	10 6 0
Ditto chandeliers, pulpit, allams, etc.*	...	0 7 0	...	21 9 9	...	12 11 9	...	21 12 4½	...	21 4 0	...	21 4 0	...	99 0 10½
Binding, printing, etc., of books for the library*	...	...	...	45 8 0	...	1 4 0	...	20 7 0	...	30 5 3	...	10 0 0	...	107 8 3
Purchasing mats, etc.*	...	...	...	7 11 9	...	...	...	2 0 0	...	2 0 0	...	...	...	11 11 9
Assisting the poor, etc., and re-warding people for killing snakes, etc.*	...	66 0 0	...	208 11 0	...	22 4 0	...	25 5 9	...	79 11 3	...	24 0 9	...	426 0 9
Travelling allowances and conveyance of articles, etc.*	...	11 5 0	...	46 14 0	...	43 10 6	...	37 9 0	...	45 4 6	...	37 9 4½	...	222 4 4½
Contingencies, etc.*	...	...	...	1526 6 9	...	3 13 9	...	10 2 3	...	6 10 9	...	32 3 6	...	579 5 0
Law charges	...	...	...	7 7 3	...	9 0 0	...	1 10 9	...	...	...	5 10 6	...	23 12 6
Net expenditure	...	1,950 15 11	...	21,379 15 2	...	22,322 8 0½	...	24,461 4 5½	...	22,488 2 5	...	20,097 10 0½	...	1,12,700 8 0½
Debts repaid	...	...	...	...	...	...	...	...	...	2,833 5 4	...	2,333 5 4	...	5,166 10 8
Transfer into other funds*	...	...	...	387 13 2½	...	...	...	...	...	...	...	...	...	387 13 2½
Total of gross expenditure	...	1,950 15 11	...	21,767 12 4½	...	22,322 8 0½	...	24,461 4 5½	...	25,321 7 9	...	22,430 15 4½	...	1,18,254 15 11

* Included in the annual accounts under one general head "Miscellaneous expenditures," parts of which have also been transferred to other heads to which they properly belonged.

† Including the sum of Rs. 500 paid for the purchase of Government promissory note.

Statement of accounts showing the Credits, Debits, and Balances in the 3rd share from March 1876 to March 1881, a period of five years and one month.

	1876.		1876-77.		1877-78.		1878-79.		1879-80.		1880-81.		Total.
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs. A. P.
Total amount of gross income ...	204	14 9	21,200	7 4½	21,933	6 7	22,796	7 0½	25,991	9 4	22,403	1 9½	
Balance from the preceding year or month ...	6,005	1 11	4,259	0 9	3,691	11 9	3,302	10 3½	1,637	12 10½	2,307	14 5½	
Sum ...	6,210	0 8	25,459	8 1½	25,625	2 4	26,099	1 4	27,629	6 2½	24,711	0 3	...
Total of the gross expenditures ...	1,950	15 11	21,767	12 4½	22,322	8 0½	24,461	4 5½	25,321	7 9	22,430	15 4½	...
Difference ...	4,259	0 9	3,691	11 9	3,302	10 3½	1,637	12 10½	2,307	14 5½	2,280	0 10½	...

* Amount of credits shown in the annual accounts.

† Amount of debits shown in the annual accounts.

‡ Amount of balance shown in the annual accounts.

Statement of accounts showing the pure Income, pure Expenditure, and the amount of Debt left unpaid in the 3rd share from March 1876 to March 1881, a period of five years and one month.

	Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.
Net expenditure ...	1,950	15 11	21,379	15 2	22,322	8 0½	24,461	4 5½	22,488	2 5	20,097	10 0½	1,12,700 8 0½
Refunds ...	4	1 11	630	10 11	130	12 10	200	0 6	171	0 11	94	15 5½	1,231 10 6½
Balance in hand ...	1,946	14 0	20,749	4 3	22,191	11 2½	24,261	3 11½	22,317	1 6	20,002	10 7	1,11,468 13 6½*
The amount of debt left unpaid (Rs. 10,266-10-8—Rs. 5,166-10-5) ...	...	...	...	...	...	...	...	...	...	...	...	...	2,280 0 10½
The balance at the end of February 1876 ...	...	...	...	...	...	...	...	...	...	...	...	...
Difference ...	...	...	...	...	...	...	...	...	...	...	...	...
Transfer ...	...	...	...	...	...	...	...	...	...	...	...	...	1,13,748 14 5½
Total amount of net income as shown above ...	...	...	...	...	...	...	...	...	...	...	...	...	11,105 1 11
	...	...	...	...	...	...	...	...	...	...	...	...	1,02,643 12 6½
	...	...	...	...	...	...	...	...	...	...	...	...	387 13 2½
	...	...	...	...	...	...	...	...	...	...	...	...	1,03,031 9 8½†

* Pure expenditure.

† Pure income.

Statement of accounts showing the Income in the 3rd share of the Mohsin Fund in the Hooghly Emambarah, from April 1869 to March 1881, a period of 12 years, under the management of the Local Agents and Committee.

	April 1869 to February 1876, 6 years 11 months.	March 1876 to March 1881, 5 years 1 month.	Total, 12 years.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Income from--			
Jessore* ...	1,56,666 11 6	96,666 10 8	2,53,333 6 2
Emambazar* ...	3,935 5 5½	4,509 3 4	8,444 8 9½
Gardens† ...	221 15 1½	186 11 10½	408 11 0
Karballat ...	1,058 13 9½	133 0 8½	1,191 14 6
Interest on Government investment for Rs. 500†	...	70 0 0	70 0 0
	1,61,882 13 10½	1,01,565 10 7	2,63,448 8 5½
Fine realization ...	135 5 6	78 0 0	213 5 6
Proceeds from the sale of articles† ...	2,132 12 3½	192 8 0	2,325 4 3½
Law proceeds† ...	717 3 3	...	717 3 3
Miscellaneous income† ...	33 6 10½	47 5 7½	80 12 6
Offerings† ...	17,331 12 8	1,148 1 6	18,479 14 2½
Net income ...	1,82,233 6 5½	1,03,031 9 8½	2,85,265 0 1½
Refunds ...	1,580 10 6	1,231 10 6½	2,812 5 0½§
Debts received ...	11,391 14 6	10,266 10 8	21,658 8 2**
Total ...	1,95,205 15 5½	1,14,529 14 10½	3,09,735 14 4
Deductions made in pay- ment of debts ...	7,000 0 0•	...	7,000 0 0
The amount of gross income left.	1,88,205 15 5½	1,14,529 14 10½	3,02,735 14 4

* Includes under one general head "Land Revenue" in the annual accounts.

† Includes under one general head "Miscellaneous Income" in the annual accounts.

‡ With the exception of a few rupees, the whole sum has been offered by the Matwalie in time, the present one taking charge on the 20th of July 1876.

§ Including Government promissory note for Rs. 500, and the change of silver into Rs. 16-12.

** Including the refund of Rs. 332-10-8 paid in receipt of certain debt.

Statement of accounts showing the Disbursements in the 3rd share of the Mohsin Fund in the Hooghly Emambarah from April 1869 to March 1881, a period of 12 years under the management of the Local Agents and Committee.

	April 1869 to February 1876, 6 years 11 months.	March 1876 to March 1881, 5 years 1 month.	Total, 12 years.
Charges for—	Rs. A. P.	Rs. A. P.	Rs. A. P.
The purchase of provisions ...	10 011 3 0	11,244 3 8½	21,255 6 8½
Mohurrums ...	35,564 5 9½	23,011 2 0½	58,575 7 10
The 40th day of the Martyr of Emam Hossein ...	707 14 8½	471 0 0½	1,178 14 9½
Ramzan ...	21,539 11 0½	13,632 13 5½	35,172 8 6
The Fataha of Emams ...	15,705 10 0½	9,002 14 0½	24,708 8 0½
Eedil Fitr ...	263 14 9½	172 0 4½	435 15 2
Eedoozzoha ...	723 6 3½	363 15 7	1,087 5 10½
Eedi Ghadeer ...	1,503 14 0	783 1 8½	2,286 15 8½
Eedi Baha Shoojaood- deen ...	1,006 6 7	705 3 6	1,711 10 1
Eedi Nawraze ...	372 6 9½	310 3 6	712 10 3½
The purchase of oil, sugar, rose-water, etc. ...	14,937 3 2½	8,672 14 10	23,610 2 0½
Total ...	1,02,336 0 2½	68,399 8 9	1,70,735 8 11½
Charges for—			
Pay of zakereens, etc.	36,363 13 2½	29,305 1 4½	65,668 14 7
„ peadas ...	5,314 2 3½	3,903 5 9	9,217 8 0½
„ gardeners ...	423 15 9½	280 14 8½	704 14 6
„ hammamees ...	...	421 0 0	421 0 0
	1,44,437 15 6½	1,02,300 14 6½	2,46,738 14 1
Charges for—			
The articles purchased	2,444 4 0	825 3 9	3 269 7 9
„ newly made	1,551 15 10½	612 7 11½	2,164 7 10½
„ repaired ...	1,046 0 2	331 0 4½	1,377 0 6½
	1,49,480 3 7½	1,04,078 10 7½	2,53,558 14 2½
Charges for—			
Building houses, etc. ...	10,969 10 11	...	10,969 10 11
Repairing ditto ...	25,322 13 0	4,745 5 4	30,068 2 4
Purchasing ditto ...	186 5 0	1,518 10 0	1,704 15 0
	1,85,959 0 6½	1,10,342 9 11½	2,96,301 10 5½
Charges for—			
The improvement, etc., of Karbala* ...	1,352 12 10½	85 7 6	1,438 4 4½
The improvement, etc., of Emambazar and Ferry Ghat* ...	559 4 6½	108 8 3	667 12 9½
The improvement, etc., of gardens* ...	100 7 10½	16 14 4	117 6 2½
Keeping in good order water-pump, Turkish bath, etc.* ...	30 15 6	666 14 6½	697 14 0½
Keeping in good order the clocks* ...	16 10 5½	10 6 0	27 0 5½

* Included in the annual accounts under one general head "Miscellaneous expenditure," part of which has also been transferred to other heads to which they properly belonged.

	April 1869 to February 1876, 6 years 11 months.	March 1876 to March 1881, 5 years 1 month.	Total, 12 years.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Charges for—concluded.			
Keeping in good order chandeliers, pulpit, allams, etc. ...	208 15 3	99 0 10½	308 0 1½
The binding, printing, etc. of books for the library* ...	248 12 0	107 8 3	356 4 3
Purchasing mats, etc.*	103 0 6	11 11 9	114 12 3
Assisting the poor, etc., and rewarding people for killing snakes, etc.* ...	1,094 14 0	426 0 9	1,520 14 9
Travelling allowance and conveyance of articles, etc.* ...	160 7 0	222 4 4½	382 11 4½
Contingencies, etc.* ...	129 11 9½	579 5 0	709 0 9½†
Law charges ...	990 2 3	23 12 6	1,013 14 9
Net expenditures ...	1,90,955 2 6½	1,12,700 8 0½	3,03,655 10 7
Debts repaid ...	...	5,166 10 8	5,166 10 8
Embezzlement of the cashier ...	10,600 10 6¾	...	10,600 10 6¾
Transfer into other funds	391 14 6	387 13 2½	779 11 8½
Total amount of gross expenditure ...	2,01,947 11 7¼	1,18,254 15 11	3,20,202 11 6¼

* Included in the annual accounts under one general head "Miscellaneous expenditure," part of which has also been transferred to other heads to which they properly belonged.

† Including silver to the value of Rs. 16-8 changed, and the sum of Rs. 500 paid for the purchase of Government promissory note.

Statement of accounts showing the Credits, Debits, and Balance in the three-ninths share from April 1869 to March 1881, a period of 12 years.

	April 1869 to February 1876, 6 years 11 months.	March 1876 to March 1881, 5 years 1 month.	Total, 12 years.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
The amount of gross income left ...	1,88,205 15 5½	1,14,529 14 10½	
Balance from the preceding year or period under account ...	19,746 14 1	6,005 1 11	
Sum ...	2,07,952 13 6½	1,20,535 0 9½	Amount of
Total amount of gross expenditures ...	2,01,947 11 7½	1,18,254 15 11	credits. Amount of
Difference ...	6,005 1 11	2,280 0 10½	debits. Amount of
			balance.

Statement of accounts showing the pure Income, pure Expenditure, and the amounts of Debt left unpaid in the three-ninths share from April 1869 to March 1881, a period of 12 years.

	Rs. A. P.	Rs. A. P.	Rs. A. P.
Net expenditure ...	1,90,955 2 6½	1,12,700 8 0½	3,03,655 10 7
Refunds ...	1,580 10 6	1,231 10 6½	2,812 5 0½
Difference ...	1,89,374 8 1½	1,11,468 13 6½	3,00,843 5 6½*
Balance in hand ...	.....	.....	2,280 0 10½†
Embezzlement of the cashier ...	.....	.....	10,600 10 6½
The amount of debt left unpaid (Rs. 21,658-9-2—Rs. 7,000—Rs. 5,166-10-8) ...	.....	9,491 14 6	3,13,724 1 0½‡
The balance at the end of the year 1868-69 ...	.....	19,746 14 1	29,238 12 7§
Transfer ...	.....	.....	2,84,485 4 5½**
			779 11 8½
Total amount of Net income as shown above	.....	.....	2,85,265 0 1½‡

* Pure expenditure.

† To meet the expenses of the approaching Ramjan.

‡ Sum.

§ Owing to receiving no remittance from Jessore for the second half-yearly instalment of the year 1879 due

** Pure income.

From—C. C. STEVENS, Esq., Offg. Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to Government order No. 1346-481 L.R., dated 23rd May 1882, I am directed to submit, for the information of Government, the accompanying copy of a statement received from the Accountant-General, showing the receipts, charges, and balance of the forth-ninths share of the Mohsin Endowment Fund for the year 1881-82.

2. I am to observe that, so far as the financial position of the forth-ninths share is concerned, it is apparent that the current receipts exceed the expenditure, and the balance would, therefore, seem to be available for such objects as the Government may desire to expend it upon. But the information before the Board does not enable them to say what part of this surplus can be devoted to the repair of the Imambara buildings. The Board understand from the Accountant-General that various projects for the expenditure of this balance are under the consideration of Government, one of these involving a large outlay in the Madrissa buildings at Rampore Beaulah. In the absence of information regarding the decision of Government on these proposals, the Board can only say that the balance appears to be available for any purposes within the scope of the objects for which the fund was established.

Statement of receipts, charges and balance of the four-ninths share of the Mohsin Endowment Fund for the year 1881-82.

RECEIPTS.			CHARGES.		
	Rs.	A. P.		Rs.	A. P.
Opening balance ...	35,767	8 8	Medical—		
Syulpore Trust estate ...	24,898	5 9	Hospital and dispensaries ...	8,473	1 1
Hooghly property ...	111	2 3			
Total ...	25,009	8 0	Miscellaneous—		
GRAND TOTAL ...	60,777	0 8	Pensions ...	316	0 0
			Local Agent's establishments ...	635	9 11
			Religious endowment—		
			Imambara establishment ...	9,453	5 0
			Total expenditure ...	18,878	0 0
			Credit balance ...	41,899	0 8
			GRAND TOTAL ...	60,777	0 8

No. 583T-R., dated Darjeeling, the 16th October 1882.

From—C. S. BAYLEY, Esq., Offg. Under-Secretary to the Government of Bengal, Revenue Department,

To—The Solicitor to the Government of India.

I am directed to request that you will be so good as to lay

* Letter from the Board of Revenue No. 433 A, dated the 12th July 1882, and enclosures.

Letter from the members of the Committee No. 41, dated June 1882, and enclosures.

Letter from the Board of Revenue, No. 452 A, dated the 21st July 1882, and enclosures.

Letter to the Board of Revenue, No. 4036, dated the 30th October 1863.

before the Hon'ble the Advocate General the accompanying copies of the papers* noted on the margin, together with the following brief statement of facts regarding the management of the Hooghly Imambara endowment. The Lieutenant-Governor desires to be favoured with an expression of Mr. Philips' opinion whether it is within the competence of the

Government to devote any portion of the surplus funds of the four-ninth share of the endowment to the repair of the Imambara building.

2. By the original tauliatnama or deed of trust executed by Haji Muhammad Mohsin in 1806 it was directed that the income of his Syudpore zemindari in Jessore should be divided into nine equal shares, and that three of these shares should be devoted to the religious observances and festivals held at the Hooghly Imambara and to the repair of the Imambara buildings and burial ground; that four shares should be expended in the maintenance of the establishments attached to the Imambara, and in the payment of certain pensions and allowances to persons named by the testator; and that the two remaining shares should be given to the two mutwallis appointed by the founder and entrusted with the management of the endowment. Litigation, having arisen owing to the mismanagement of the mutwallis, Government was in 1835, declared to be the lawful trustee of the endowment, and was placed in the room of the mutwallis. The Syudpore estate in Jessore, as well as the Imambara at Hooghly were thenceforth managed through the officers of the Government. Subsequently the control of the three-ninth share and of the Imambara were placed under a Committee of influential Musalmans appointed under Act XX of 1863. The Committee was assisted by a manager appointed by the Government under the title of mutwalli, to whom one-ninth share was given as salary. The remaining one-ninth share and the surplus income of the four-ninth share, after the payment of the establishments, pensions, and allowances, form a fund which is devoted to the encouragement of Mahomedan education, to the maintenance of a hospital, and to other charitable and useful purposes. The fund has been augmented by the amounts of the pensions and allowances which have lapsed, and by the interest on the Government securities purchased with the surplus funds which

*Vide preceding papers.

accrued while the endowment was under the sole management of the State.

3. The Imambara buildings, which are more extensive than those which existed in the time of Muhammad Mohsin, now require repairs, the cost of which is estimated by the Public Works Department at Rs. 24,834. This expenditure the three-ninth share which by the terms of the tauliyatnama is properly liable for the cost of repairs, is insufficient to meet. The Committee has, therefore, applied to Government for an allotment of Rs. 25,000 from the funds of the four-ninth share, but the Lieutenant-Governor has some doubt whether the Government is at liberty to devote any portion of that share to the purpose.

No. 1212, dated Fort William, the 5th December 1882.

From—R. L. UPRON, Esq., Solicitor to the Government of India,
To—The Secretary to the Government of Bengal, Revenue
Department.

Referring to your No. 583 T.-R., of the 16th October last, I have the honour to send herewith a copy of the Hon'ble the Officiating Advocate-General's opinion on the subject therein referred to.

OPINION.

It appears that the surplus of the four-ninths share of the fund arising from the endowment is mainly appropriated by Government for educational purposes. If there is power so to apply it, I think it could hardly be doubted that there is at least equal power to apply it for repairs of the Imambara buildings.

It is stated in the letter of the Mutwalli to the Local Agent, dated 13th June 1881, No. 52, that the charge for zakareens and other stipendiaries, including some peadas, has been transferred (in 1841) from the charges upon the four-ninths to those upon the three-ninths. If this is so, it would seem that the three-ninths has borne a burden which would more properly fall upon the four-ninths. If, moreover, as the Mutwalli seems to say, the three-ninths has been cut down to a fixed amount, there would be a surplus of the three-ninths going to swell the four-ninths. I think there is power, without deviating from the trust in its strictest construction, to apply for repairs any portions of the three-ninths which may have been thus diverted, together with the accumulations of interest.

But should this not suffice to meet the occasion the question arises whether the surplus of the four-ninths can be applied in aid of the three-ninths. I think it may, if the Government think fit. I think the whole property is devoted to the purposes indicated in the towleutnamah, the main purposes being to provide for the religious observances and festivals and the maintenance of the Imambara. The pensions and allowances were subject to diminution or increase: the question is, what was to be done with the surplus if the pensions diminished? I think it was, at any rate, applicable to the main purposes of the endowment, including the maintenance of the structure of the Imambara.

On all grounds, therefore, I think it is competent to the Government to allow such sum as it may think fit out of the four-ninths for proper repairs of the Imambara.

(Sd.) A. PHILIPS.

This 2nd December 1882.

No. 79-34 L. R., dated, Calcutta, the 10th January 1883.

*From—C. S. BAYLEY, Esq., Under-Secretary to the Government
of Bengal, Revenue Department.*

*To—The Secretary to the Board of Revenue, L. P., in the Land
Revenue Department.*

With reference to your letter No. 452A., dated the 21st July 1882, and previous correspondence, regarding the management of the Hooghly Imambara endowment, I am directed to state, for the information of the Board, that the Lieutenant-Governor has acceded to the request of the Committee for the management of the Imambara, and has consented, as a special case, to defray the cost of the necessary repairs to the building from the four-ninths share of the endowment, and that a sum not exceeding Rs. 25,000 may be appropriated for the purpose from the balance at the credit of that share. This sum, according to the estimate framed by the Public Works Department, ought to suffice for the thorough repair of the buildings. The sanction now given must be regarded as altogether exceptional, and it must be thoroughly understood that ordinarily the three-ninths share must in future be responsible alike for the cost of the religious observances and for the repair of the buildings. To this end steps should be taken to secure a proper supervision of the expenditure of the funds appertaining to that share.

No. 80-35 L. R.

Copy forwarded to the Committee for the management of the Hooghly Imambara for information with reference to their letter No. 41, dated June 1882, and connected correspondence.

No. 81-36 L. R.

Copy forwarded to the Public Works Department of this Government for information, with reference to Mr. Hornel's memorandum No. 1331B., dated the 15th April 1882, the original enclosures of which are returned.

No. 82-37 L. R.

COPY forwarded to the Accountant-General, Bengal, for information.

By order of the Lieutenant-Governor of Bengal,

(Sd.) C. S. BAYLEY,

Offg. Under-Secretary to the Govt. of Bengal.

CALCUTTA,

The 10th, January 1883.

From

H. J. S. COTTON, Esq.,
Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal,
General Department,

Dated, Calcutta, the 24th November 1884.

SIR.

I am directed to submit the following report for the consideration and orders of Government.

2. The surplus proceeds of the Syudpore Trust Estate in Jessore are paid over to the Mohsin Endowment Fund, and are, broadly speaking, distributed as follows :—

- (1) One-ninth to the Mutwalli of the Hooghly Inambarah as his salary.
- (2) Three-ninths to the Inambarah Committee for religious purposes.
- (3) Four-ninths for secular purposes, *i.e.*, to the maintenance of Madrassas, etc.
- (4) One-ninth to the Hooghly College.

3. It was decided in Government Order No. 501, dated 23rd August 1879, that this surplus should be fixed at an annual amount of Rs. 60,000. Calculation showed that this would leave an annual margin in hand (after deducting payment of revenue and other necessary expenditure) of about Rs. 4,000 and it was considered necessary to keep this as a working balance.

4. Mr. Larpent, Examiner of Local Accounts, in his report on the accounts of the estate, copy of which has been received from the Accountant-General, brings to notice that on the 31st March last this working balance had accumulated to Rs. 54,555-13-7, and suggests that this balance should be distributed among the several interests concerned in the proportion in which they are entitled to participate in it. He further proposes that a settlement of the balance should be made among the co-sharers every five or ten years.

5. This suggestion seems a very proper one, and the Board would recommend it to Government for sanction. Having regard to the fact that the interest of the Mutwallee is personal only, the adjustment should, the Board think, be made every five years. If the adjustment were made decennially, there would be greater risk of

an individual Mutwallee not receiving an amount to which he is fairly entitled.

6. The Board would, therefore, suggest that the amount of Rs. 50,000 should be at once distributed in the following manner:—

	Rs.
One-ninth to the Mutwalli	5,555½
Three-ninths to the Imambarah Committee for religious purposes	16,666⅔
Four-ninths to Government on account of expenditure for Madrassas and for the encouragement of Mahomedan education	22,222⅔
One-ninth to the Hooghly College	5,555½
Total	50,000

7. After the expiration of another five years a similar adjustment should be effected.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Secretary.

No. 1357 A.

Copy forwarded to the Accountant-General, Bengal, for information with reference to his No. 1202 LA.-B, dated the 5th November 1884.

By order of the Board of Revenue, L. P.,

(Sd.) H. J. S. COTTON,

Secretary.

CALCUTTA,

The 24th November 1884.

GENERAL DEPARTMENT.

EDUCATION.

No. 3.

From

H. H. RISLEY, Esq.,

Offg. Under-Secretary to the Government of Bengal,

To

The Accountant-General, Bengal.

Calcutta, the 5th January 1885.

SIR,

In acknowledging the receipt of your letter No. 378B., dated the 28th November 1884, with enclosure, regarding the adjustment of the surplus profits of the Saidpur Trust Estate, I am directed to say that the Lieutenant-Governor agrees with you in thinking that the difference (Rs. 37,944-12-4) between the cash balance on the 31st March 1879, viz. Rs. 16,611-1-3 and that on the 31st March 1884, Rs. 54,555-13-7, should be taken as the surplus for distribution to the co-sharers, instead of the sum of Rs. 50,000 as proposed by the Board of Revenue. He considers that the religious and mutwalli's shares are entitled to share in the surplus; but before final orders are passed, I am to request that you will be so good as to report at an early date to what extent those shares are indebted to the four-ninths (secular) share.

I have the honor to be,

SIR,

Your most obedient servant,

(Sd.) H. H. RISLEY,

Offg. Under-Secy. to the Govt. of Bengal.

No. 4.

Copy, with copy of the Accountant-General's letter No. 378B., dated the 28th November 1884, forwarded to the Board of Revenue for information with reference to Mr. Cotton's letter No. 982A., dated the 24th November 1884.

By order of the Lieutenant-Governor of Bengal.

(Sd.) H. H. RISLEY,

Offg. Under-Secretary to the Govt. of Bengal.

CALCUTTA,

The 5th January 1885.

No. 206, dated Calcutta, the 17th March 1890.

From—H. W. C. CARNDUFF, Esq., Under-Secretary to the
Government of Bengal, General Department,

To—The Accountant-General, Bengal.

With reference to your letter No. 363B., dated the 18th ultimo, I am directed to say that the Lieutenant-Governor sanctions the following distribution of the surplus balance of Rs. 28,532-7-1 at credit of the Syedpur estate on the 31st March 1889.

	Rs.	A.	P.
(1) To be kept as working balance ...	10,532	7	1
One-ninth to the Mutwali ...	2,000	0	0
Three-ninths to the Imambarah Committee, less Rs. 2,338-13-4 ...	3,661	2	8
Four-ninths to Government on account of the Mohsin Endowment plus Rs. 2,338-13-4	10,338	13	4
One-ninth to the Hooghly College ...	2,000	0	0
Total ...	28,532	7	1

No. 208, dated Calcutta, the 17th March 1890.

MEMORANDUM by the Under-Secretary to the Government of Bengal,
General Department.

Copy forwarded to the Secretary to the Board of Revenue, Lower
Provinces, for information, with reference to his letter No. 156A, dated
the 27th ultimo.

No. 158. dated Calcutta, the 16th June 1897.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

We beg to forward herewith for the information of His Honour the Lieutenant-Governor, a copy of the report submitted to the office of the Committee of Management by the Mutwalli of the Hooghly Imambara, on the damage caused to the building by the recent earthquake, and to solicit the favour of your obtaining sanction for a grant out of the 3rd share to effect the necessary repairs to the Imambara. In consequence of the increase that has taken place in recent years in the prices of articles, the task of performing the religious duties in the customary manner, has in spite of every effort to economise become extremely difficult, and the 3rd share is wholly unable to meet any expenses beyond the ordinary requirements of the religious ceremonies and the payment of the salaries of the usual establishment. Under these circumstances, and as the matter has in consequence of the damage caused by the earthquake become most emergent, we solicit His Honour's sanction for a grant as on the previous occasion from the 3rd share to enable us to take the work of repairs at once in hand.

We beg to state in conclusion that it is absolutely necessary. Measures should be taken at once for the safety and preservation of the building.

No. 194, dated Hooghly, the 13th June 1897.

From—Maulvi Syed Ashrafuddin Ahmed, Khan Bahadur, Mut-
walli, Hooghly Imambara,

To—The Hon'ble President, Imambara Committee.

I beg to inform you and the other Trustees that the Mohurram of 1315 A. H. has passed off quietly and successfully in Hooghly. But the gathering of the people being exceptionally large this year, there was a heavy strain on the Imambara finance, a fact with which the Committee has already been informed.

I beg to inform you further, that a severe shock of earthquake yesterday, which lasted for full 5½ minutes, shook the town to its entire foundation and, among others, did considerable damage, to the Imambara buildings. The walls and roofs of the buildings are badly cracked, and the grand minarets are so extensively fissured that there is fear of their tumbling down at any moment. In short the whole building is badly injured and unless immediately repaired, it may collapse during the approaching rainy season.

I, therefore, beg to draw the immediate attention of your good self and the other Trustees to my report (this office No. 74, dated the 5th March 1897) for the complete repair of the Imambara buildings an estimate of which has been submitted by me to the Committee along with the report, and shall feel highly obliged if the Committee apply to His Honour the Lieutenant-Governor on the subject at once. Mr. D. B. Allen, the worthy Local Agent, was on the spot soon after the earthquake and saw the state of the Imambara buildings. I consider this to be a fit opportunity to appeal to Government for an early sanction of money from the 4th share for the thorough repair of the entire buildings as the repairs effected last time in 1883 was done by order of Government at a cost of Rs. 30,500 sanctioned from the 4th share of the Mohsin Funds.

In conclusion, I earnestly and respectfully hope that His Honour Sir Alexander Mackenzie before leaving for England may graciously be pleased to pass an order for the early repairs of the Imambara buildings, as did the Hon'ble Sir Ashley Eden in 1882 before leaving Bengal.

No. 183, dated Calcutta, the 26th June 1897.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

We have the honour to forward herewith copy of a letter No. 206, dated the 24th June 1897, from the Mutwalli of the Hooghly Imambara to this office. From the Mutwalli's report it appears that the condition of the Imambara building is extremely dangerous, and he is afraid of a collapse during the ensuing rains, unless the necessary repairs are taken in hand without delay. He has requested us to move the Government to direct the Public Works Department to take in hand the urgent repairs of the Imambara building from the ‡ths share in anticipation of the sanction for the complete repairs of the entire building.

We have, therefore, the honour to solicit the Government for the issue of the necessary orders to the Public Works Department in anticipation of the sanction applied for.

Dated Hooghly, the 24th June 1897.

From—M. SYED ASHRAFUDDIN AHMED, KHAN BAHADUR, Mutwalli
of the Hooghly Imambara,

To—The Committee of Management of the Hooghly Immambara.

In reference to your No. 161, dated the 19th instant, I have the honour to state that I have been informed by the District Engineer of Hooghly that, in anticipation of sanction from Government, urgent repairs are always undertaken, and I therefore request you to be so good as to ask the Government to direct the Public Works Department to take to hand the urgent repairs of the Imambara building from the ‡ths share in anticipation of sanction for the complete repairs of the Imambara building. As any further delay in the repairs may occasion loss of life and property, if the clock tower which, much shaken by the recent earthquake, tumbles down during the present state of the weather.

I further beg to inform you that I have already requested the District Engineer to prepare a fresh estimate for the complete repairs of the entire Imambara buildings, which will be submitted, through the President of the Committee, for the gracious consideration of His Honour the Lieutenant-Governor, in due course..

No. 191, dated Calcutta, the 30th June 1897.

*From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President
of the Committee of Management of the Hooghly
Imambara,*

*To—The Under-Secretary to the Government of Bengal, Revenue
Department.*

I have the honour to forward herewith copy of a letter dated 25th June 1897, from the District Engineer of Hooghly to the Mutwalli, giving a rough estimate of the costs of repairs needed in the Imambara.

Dated Hooghly, the 25th June 1897.

From—M. NATH BAGCHI, A.M., I.C.E., District Engineer, Hooghly,

To—Mutwalli Sahib Bahadur of Imambara, Hooghly.

I send herewith a certificate for the repairs to the Imambara building as requested.

Memo. from—M. NATH BAGCHI, A.M., I.C.E., District Engineer, Hooghly.

I examined the entire building of the Hooghly Imambara at the request of the Mutwalli Sahib Bahadur, and found that the building suffered much owing to late earthquake. I certify that the entire building including out houses requires immediate thorough repairs which would cost roughly about Rs. 25,000. About Rs. 1,000 should be spent at once to prop up roof and repairing roof leakage, crack in walls and arches, etc., to prevent further damage to the building in this rainy weather.

No. 222, dated Calcutta, the 2nd August 1897.

From—The Members of the Committee of management of the
Hooghly Imambara.

To—The Under-Secretary to the Government of Bengal, Revenue
Department.

With reference to your demi-official letter No. 264, dated the 7th July 1897, enclosing a copy of a letter addressed to you by the Secretary to the Board of Revenue, on the subject of the amount standing to the credit of the Mohsin Fund, we have the honour to state that the amount shown in Mr. Collin's letter, viz., Rs. 10,000 does not agree with the Local Agent's account of the four-ninths share of the Mohsin Fund which up to 31st May 1897, was as follows:—

	Rs.	A.	P.
Cash	1,82,692	8	5
Government promissory notes, etc.	1,23,500	0	0
Total ...	3,06,192	8	5

2. It appears to us, therefore, that the sum of Rs. 10,000 standing to the credit of the Mohsin Fund, represents the surplus money of the Syudpur Trust Estate which, in accordance with the views expressed by His Honour the Lieutenant-Governor so long as 1879, cannot be spent to the benefit of any particular, but ought to be divided proportionately between the different shares, and we, therefore, submit that no portion of this special fund, ought to be applied in the repairs of the Imambara, which in our opinion should be met out of the General fund standing to the credit of the four-ninths share of the Mohsin Fund as on the last occasion. The Lieutenant-Governor's orders are embodied in a letter No. 501, dated the 23rd August 1879, addressed by the Secretary to the Government of Bengal, to the Secretary to the Board of Revenue. A copy of the third paragraph of this letter dealing with the subject, is herein enclosed.

3. We also understand that besides the amounts mentioned above standing with the Accountant-General of Bengal, to the credit of the four-ninths share, there is a considerable sum belonging to the Mohsin Fund, to the extent of Rs. 10,57,000 and Rs. 1,48,400 respectively classed as educational and miscellaneous, invested in Government securities, which was officially shown in the *Calcutta Gazette* of the 22nd of April 1896, and information of which was sent to this Committee.

4. We, therefore, solicit the early orders of Government for the proportionate division of the surplus sum of Rs. 10,000 among the different shares and the sanction of the necessary amount from the General Fund standing to the credit of the four-ninths share for the repairs of the Imambara.

5. We have, already, mentioned that the building has not been repaired for a long time and is now in urgent need of repairs, and we beg from Government the same consideration for our request as in 1883.

Copy of the third paragraph of letter No. 501, dated the 23rd of August 1879, from the Secretary to the Government of Bengal, to the Secretary to the Board of Revenue.

* * * * *

"3. The Lieutnant-Governor has examined the annual returns of the estate for the last ten years and doubts whether they justify this proposal. If the present balance, which, it is observed, has now fallen to less than Rs. 21,000. is more than sufficient for a working balance, the surplus must be separately remitted to Hooghly, as it would not be just to the recipients of the endowment, and specially to the Mutwalli, who has only life-interest in it. to defer the division of funds which have already accumulated; the surplus balance, therefore, and the interest of the small sum invested in securities cannot be utilized for the purpose of augmenting the annual remittance."

* * * * *

No. 2414, dated Calcutta the 14th August 1897.

From—E. M. KONSTAM, Esq., Under Secretary to the Government of Bengal, Revenue Department.

To—The Secretary to the Board of Revenue, Land Revenue Department.

I am directed to forward a copy of the correspondence noted on the margin regarding the repairs required to

^c Letter No. 158, dated 16th June 1897 from the members of the Imambarah Committee with enclosures.

^c Letter No. 183, dated the 26th June 1897, from the members of the Imambara Committee, with enclosures.

^c Letter No. 191, dated 30th June 1897, from the President of the Committee, with enclosures.

^c Letter No. 222, dated 2nd August 1897, from the members of the Committee, with enclosures.

the Hooghly Imambara, which has been damaged by the recent earthquake. It will be seen from letter No. 222, dated 2nd August 1897, from the Members of the Imambara Committee, that they ask (1) that the sum of Rs. 10,000 which, they say, represents the surplus income of the Syedpore Trust Estate, may be divided proportionately between the different shares of the Mohsin Endowment

Fund, in accordance with Government order No. 501, dated 23rd August 1879; (2) that a grant may be made from the General Fund standing to the credit of the four-ninths share for the repairs of the Imambara. I am to request that the Board will be so good as to favour the Lieutenant-Governor with an early report on these proposals. A detailed estimate of the probable cost of repairing the building should be obtained from the local officers of the Public Works Department and submitted to Government at the same time.

Vide foregoing papers.

No. 34W., dated Calcutta the 5th April 1898.

From—E. W. COLLIN, Esq., Offg. Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to Government order No. 2414, dated the 14th of August 1897, and enclosures, I am directed to submit herewith, for the consideration and orders of Government, a copy of a letter No. 525R.G., dated the 3rd of January 1898, from the Commissioner of the Burdwan Division, and of its enclosures, together with a detailed estimate, in original, of cost of Rs. 37,081, for thorough repairs to the Hooghly Imambara building damaged by the earthquake of the 12th June 1897. The submission of this report has been delayed by the necessity of ascertaining from the Accountant-General, Bengal, the estate of the balance available under the control of Government.

2. The two proposals made by the members of the Imambara Committee, which are set forth in your letter under reply, are as follows :—

- (1) that the sum of Rs. 10,000 which, it is said, represents the surplus income of the Syedpur Trust Estate, may be divided proportionately between the different shares of the Mohsin Endowment Fund in accordance with Government order No. 501, dated the 23rd August 1879, and
- (2) that a grant may be made from the General Fund standing to the credit of the four-ninths share for the repairs of the Imambara.

Before considering these proposals, I am to explain that, looking

- | | | |
|---|-----------------------|------|
| *1 One-ninth to the Mutwalli, as his salary. | } Religious purposes. | pur- |
| 2. Three-ninths to the Imambara Committee. | | |
| 3. One-ninth (retained by Government) to be applied to purposes of a beneficent nature. | } Secular purposes. | pur- |
| 4. Four-ninths for secular uses. | | |

to their present position in regard to the Syedpur Trust Estate, it is not clear with what object the Board have been consulted in the matter. They administer the Estate and provide the income of Rs. 60,000 a year which is distributed to the different shares* under the orders of Government of the 23rd August 1879. The Board have no control over expenditure either of the one-ninth or three-ninths shares devoted to religious purposes, or the remaining shares devoted to secular purposes except

Items.	Ra.
Imambara servants	750
Pensions	117
Establishment of the Local Agent at Hooghly	...
Hospital	...
Law charges	...
	<u>1,614</u>

the monthly fixed charges of Rs. 1,614, detailed in the margin, payable from the four-ninths share. The report now submitted is given on the information regarding the estate on record in this office and

on that which the Board have been able to obtain from the Accountant-General, Bengal.

3. With regard to the first point, I am to say that in July 1897, the Accountant-General reported on the Board's request that there was an approximate ballance of Rs. 10,000 at the end of June 1897 to the credit of the Mohsin Endowment Fund and that the exact amount at credit of the fund could not be ascertained owing to the accounts for the year 1896-97 not having been then finally closed. Out of this balance a sum of Rs. 1,000 was sanctioned by the Board for urgent repairs to the Imambara buildings, on account of the damage done by the earthquake, pending enquiries as to the fund from which such repairs would be ultimately provided. On this, the Mutwalli of the Imambara protested, through the Local Agent, against the payment on this account of any money from this Rs. 10,000, apparently supposing this amount to be the surplus of the Syudpur Trust Estate, which according to precedent, would be distributed, when a sufficient surplus had accrued among the different shares benefited by the fund. It appeared, however, on subsequent enquiries that this surplus was the surplus balance of the four-ninths share to which the other shares have no claim at all. The claim of the Mutwalli is, therefore, untenable. He is only entitled to the one-ninth share of the surplus profits of the estate left after the annual payment of Rs. 60,000 to different shares. This surplus is distributed every five years; but in 1894, as the surplus was small, no distribution was made. The next distribution will take place in March 1899, when the balance will be ascertained after the audit of the accounts of the estate.

4. With regard to the request of the members of the Committee of Management of the Hooghly Imambara that the repairs of the Imambara buildings should be carried out from the four-ninths share or secular fund, I am to say that the four-ninths share of the Mohsin Endowment Fund, together with the one-ninth share retained by Government is (after the payment of the charges mentioned in the margin of paragraph 2 above which are under the control of the Board) devoted to the purposes of Muhammadan education under the direct control of Government. To this fund is added the entire amount arising from the interest on the fixed investment of Rs. 10,57,000 and the variable investment of Rs. 1,48,000 in Government securities. The balance of the fund now available amounted to Rs. 27,498-15-8 on the 31st December 1897, and it is entirely at the disposal of Government. The Board have already sanctioned, as a special case, the expenditure of Rs. 2,790 for urgent repairs to the Imambara buildings, rendered necessary by the earthquake, from the general fund standing at the credit of the four-ninths share. This sanction was given on the Board's responsibility, owing to the urgency of the case, and it was explained that it was given pending a report as to the full amount which would be required and how it would be provided. This subject is now to be considered.

5. In considering the application of the Imambara Committee for a grant from the four-ninths share or the general fund to meet the

cost of the repairs, it would appear at first sight that such a proposal could not be entertained. Under the terms of Haji Mohammad Mohsin's bequest, the proceeds of the three-ninths share were to be appropriated, among other religious observances, for the repairs of the Imambara and the burying ground. Owing, however, apparently to the system of management pursued for this three-ninths share, a departure from these terms had to be sanctioned in January 1883, when Government by its orders Nos. 79-34 L. R., dated 10th January 1883, allowed Rs. 25,000 to be appropriated from the four-ninths share for the repairs of the Imambara. The order recites that this sanction is altogether exceptional and that it must be thoroughly understood that ordinarily the three-ninths share must, in future, be responsible for the repair of the Imambara buildings. The members of the Committee now ignore this warning and quote the orders of Government of 1883 as a simple precedent for their present application. If, as is apparently the case, the causes which led to this special sanction being given in 1883, are still in existence, the Government may justifiably follow this precedent. Mr. Toynbee has left on record that if the circumstances of 1882, were altogether exceptional, so also was the earthquake of June 1897, and the damage it caused. While, therefore, there is the highest authority for pronouncing that the sum of Rs. 37,081 now required to meet the cost of the repairs rendered necessary by the earthquake should be paid from the three-ninths share, it appears that this course is not feasible, and that it never will be feasible unless the system of management of that share is radically changed. Mr. Oldham can see no good reason why the surplus, which has accrued on this share, should not be appropriated to the present needs, since apparently the surplus, which has accrued on the four-ninths and the one-ninth share, the proceeds of which are managed by Government, must so be used. There is no course open but to meet the very considerable balance, as was done in 1883, from the educational and general fund formed by the four-ninths share and from as much of the one-ninth share retained by Government (*vide* paragraph 2 above, as is available).

6. Reverting to the remarks offered in my preceding paragraph about the liability of the three-ninths share, it will be observed that the Board can only refer on that point to the terms of the trust and to the affirmation of them given by Government order No. 79-34 L. R., dated the 10th January 1883, which at the same time sanctioned the departure from them which is the precedent for the present application: nor have the Board any direct relations with the Imambara Committee, whose members have addressed Government direct. Mr. Oldham has learned from the Mutwalli, Maulvi Ashrafuddin Ahmed, that the reason why the three-ninths share can spare no margin for the repairs of the Imambara is that "the things on which it is expended, have increased so much in costs, and the principal of these things are lights for religious ceremonies and alms and doles of food to the poor. According to the construction of the terms of the trust, however, no fixed scale for lights and alms and doles was laid down, but a certain proportion of the proceeds of the property was appropriated for supplying these

requisites, which apparently were to be supplied according to the funds available. In this view, it may be a question if the members of the Imambara Committee should not be called upon to provide in future for these requisites, according to their means, and not according to the demands made upon them, and to leave a margin for those other necessary purposes for which the three-ninths shares of the trust property were set apart.

No. 525R.G., dated Chinsurah, the 3rd January 1898.

From—C. E. BUCKLAND, Esq., C.I.E., Officiating Commissioner
of the Burdwan Division,

To—The Secretary to the Board of Revenue, L. P.

With reference to your memorandum No. 165W., of the 30th August last, and subsequent reminders, I have the honour to submit herewith, for favour of sanction, a detailed estimate of the cost of thorough repairs to the Imambara buildings necessitated by the damages done to them by the earthquake of 12th June 1897.

2. I beg also to submit herewith copies of the letters noted in the margin from the Local Agent, Hooghly, No. 51, dated 26th July 1897. and to ask that the point therein raised by No. 73, dated 23rd September 1897. the Mutwalli may receive the favourable No. 121, dated 20th December 1897. consideration of the Board.

3. The enclosures to your memorandum under reply are herewith returned.

No. 51.

Dated Chinsurah, the 26th July 1897.

Memo. by—D. B. ALLEN, Esq., Local Agent, Hooghly.

Copy of the following, together with a copy of Mutwalli's letter No. 243, dated 22nd July 1897, to which this is a reply, submitted to the Commissioner of the Burdwan Division, with reference to his No. 73R. G., of the 12th idem.

2. In this connection his attention is also solicited to his No. 157R. G., dated 25th November 1895.

No. 50, dated Chinsurah, the 26th July 1897.

From—D. B. ALLEN, Esq., Local Agent, Hooghly,

To—The Mutwalli of the Hooghly Imambara.

In reply to your No. 243 of 22nd instant, I have the honour to observe that the protest against the payment of Rs. 1,000 from the

surplus balance of the four-ninths share should, I think, be submitted to the Board by the Managing Committee of the three-ninths share.

2. However, a copy of your letter will be sent to the Commissioner.

No. 243, dated Hooghly, the 22nd July 1897.

From—MOULVI SAIYID ASHRAFUDDIN AHMED, KHAN BAHADUR,
Mutwalli of the Hooghly Imambara,

To—The Local Agent, Hooghly.

In reply to your No. 47, dated the 20th instant, I have the honour to inform you that I had yesterday asked the District Engineer to send you the desired estimate up to Rs. 1,000 for the immediate repairs required for the Imambara.

2. I cannot help expressing my regret at not receiving a reply to the point raised by me, regarding the advisability of the payment of the sum of Rs. 1,000 for the repairs out of about Rs. 10,000 which, according to the letter of Mr. Collin, is with the Accountant-General. The amount referred to with him is most probably the surplus money of the Syudpur Trust Estate, and if it be so, then by the Government order of the 23rd August 1879, it should be distributed to the different shares, instead of its being used to the benefit of any particular share.

3. I, therefore, have the honour to pray that you would be graciously pleased to represent my respectful protest, through the Commissioner of the Division, to the Hon'ble Board, regarding the payment of any amount out of the surplus money of the Syudpur Trust Estate, before its distribution to the different shares, and kindly recommending that the expenses of the repairs may be met from the miscellaneous deposit of the Mohsin Trust Fund with the Accountant-General which, as published by him in the *Calcutta Gazette* of the 22nd April 1896, amounts to Rs. 1,48,400.

4. Any amount paid out of the surplus money would entail a heavy loss upon my share, and I therefore beg to lay my case as well as of the three-ninths share's case before you and the other authorities, and await justice at your and at their hands.

5. I cannot pass without mentioning the facts to your good self that the Hooghly Imambara buildings which were last repaired in 1884, by the order of Government, through the Public Works Department, at a cost of Rs. 30,500 from the four-ninths share, are in urgent need of thorough repairs which is roughly estimated by the Hooghly District Engineer to cost about Rs. 25,000.

No. 73, dated Chinsurah, the 23rd September 1897.

From—D. B. ALLEN, Esq., Local Agent, Hooghly.

To—The Commissioner of the Burdwan Division.

Referring to your No. 73 R. G., dated 12th July 1897, forwarding copy of the Board's No. 135 W., of the 6th idem, sanctioning from the surplus balance of the four-ninths share of the Syudpur Trust Estate a sum of Rs. 1,000 for electing urgent repairs to the damages caused to the Imambara buildings by the last earthquake, I have the honour to state that the Mutwalli of the Hooghly Imambara has very strongly requested me to forward his protest against the same. A copy of his protest has already been submitted to you with my No. 51, dated 24th July last. He contends that the surplus balance from all the nine shares of the Syudpur Trust Estate is divisible amongst all the shares, and no portion of such balance can be appropriated to any particular purpose. He argues that the benefit of the surplus should be enjoyed by all the shares and if, as in the present instance, the sanctioned amount of Rs. 1,000 is to go towards the repair of the Imambara, the Mutwalli will lose proportionately the benefits of its quota that falls to his share, viz., one-ninth.

2. In support of his contention he cites Government order No. 501, dated 23rd August 1879, copy of which was communicated to this office with your No. 227, dated 11th November 1879. Thus, as I find from previous correspondence that the Mutwalli's contention is not without precedent and as he has only a life-interest in the share, I am inclined to think that his contention bears weight. I, therefore, request you to be so good as to move the higher authorities to consider his protest favourably.

3. In this connection, I beg to invite your attention to Government orders No. 1280 T. G. (Education), dated 19th September 1885, copy received with your No. 115, dated 9th October 1885, and No. 205 (Education), dated 17th March 1890, copy received with your No. 5 R. G., dated 7th April 1890, which will show the distribution of the surplus funds rateably among the different shares on two previous occasions.

No. 121, dated Chinsurah, the 20th December 1897.

From—The Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division.

With reference to your No. 117 R. G., of 6th September last and subsequent reminders, I have the honour to submit herewith a detailed estimate of the cost of Rs. 37,081, for the thorough repair of the Hooghly Imambara buildings damaged by the earthquake of the 12th June 1897.

2. From letter No. 158, dated 16th June 1897, to the address of Government, the members of the Committee of Management of the Hooghly Imambara state that, owing to the increase that has taken place in recent years in the prices of articles, the task of performing religious duties has become extremely difficult, and the three-ninths share from which the cost of such repairs should, as has been directed in Government No. 4036, dated 30th October 1863, be met, is inadequate to defray any expenditure beyond the ordinary requirements of the religious ceremonies. They, therefore, solicit that the entire cost of repair, be paid from the four-ninths share of the Mohsin Endowment Fund.

3. On a reference to the Government letter No. 79-34 L. R., dated the 10th January 1883, a copy of which was received with your No. 161, dated 1st February 1883, I see that on a previous occasion a sum of Rs. 25,000 was sanctioned by Government from the four-ninths share as a special case, as no money was available from the three-ninths share.

4. For the above reasons I request the favour of your moving the Government of Bengal to accord sanction to the expenditure of Rs. 37,081 for the repair of the buildings from the four-ninths share of the Endowment Fund as was done in the year 1883-84.

5. The enclosures of your letter under reference are returned as requested.

REVENUE DEPARTMENT,

Land Revenue.

No. 182T.-R.

From

M. FINUCANE, Esq., C.S.I.,

Secretary to the Government of Bengal,

To

The Members of the Committee of Management,

Hooghly Imambara,

Darjeeling, the 11th June 1898.

GENTLEMEN,

With reference to your letter No. 158 of 16th June 1897 reporting that considerable damage had been done to the Imambara buildings at Hooghly by the earthquake of the 12th June last, and in view of the inability of the Committee of Management of the 3rd share of the Mohsin Fund to find the necessary funds for repairs requesting that, as on a previous occasion, a grant may be made for the purpose from the 4th share which is under the administration of this Government, I am directed to inform you that a detailed estimate for the necessary repairs having now been prepared the total cost amounts to Rs. 37,081. Although a portion of this large expenditure has been necessitated by the damage done by the earthquake, I am to point out that a considerable sum would in any case have been required for the ordinary periodical repairs of the building which has not since 1883-84 received any thorough overhauling, though petty repairs are reported to have been made. The District Engineer of Hooghly was referred to, and he estimates that no less than 3rd of the total is for ordinary repairs entirely separate from those rendered necessary by the earthquake.

The "previous occasion" referred to by the Committee as a precedent for their present application arose in 1883. In their letter No. 41 of June 1882, the Committee of Management, in soliciting Government for a grant from the 4th share to prevent the Imambara buildings falling into ruin, stated, as now, that they themselves were unable to meet the expenditure from the funds at their disposal which were absorbed in the religious observances connected with the institution. In communicating sanction to the grant then asked for Government, as the administrator of the 4th share, in their letter No. 79-34 L.R. of 10th January 1883, copy of which was communicated to the Committee with Government No. 80-35 L.R. of the same date, addressed the Board of Revenue as follows:—

"The sanction now given must be regarded as altogether exceptional, and it must be thoroughly understood that ordinarily the 3rd

share must be responsible alike for the cost of the religious observances and for the repair of the buildings. To this end steps should be taken to secure a proper supervision of the expenditure of the funds appertaining to that share."

In the face of this clear and explicit declaration, the Lieutenant-Governor is unable to admit that the action of Government in 1883, can form the slightest precedent upon which a claim to assistance from the $\frac{1}{3}$ th share can now be based. On the contrary, the Lieutenant-Governor would reasonably have expected that after the position of affairs had been clearly explained to the Committee in 1883, they would have made such arrangements with the income at their disposal as would have led to the accumulation of a fund from which the necessary repairs, which, sooner or later were inevitable, could have been executed.

3. At the same time the Lieutenant-Governor is aware that the occurrence of the earthquake was an exceptional circumstance, which could not have been foreseen, and which has exposed the Committee to liabilities for the meeting of which they may, with fairness, ask assistance. To that extent the Lieutenant-Governor is willing to accede to the present request of the Committee, though in so doing His Honour in no way departs from the position assumed by Sir Rivers Thompson in 1883, as to the normal liability of the $\frac{1}{3}$ th share for the repairs to the building. Sir John Woodburn, therefore, proposes to advance from the the $\frac{1}{3}$ th share the sum of Rs. 37,081, required to place the buildings in proper repair, but with a view of enforcing the responsibility of the $\frac{1}{3}$ th share which was explained in 1883, but apparently to no effect, His Honour is only prepared to do so on condition that the Committee repay $\frac{1}{3}$ th of the cost or Rs. 21,188 in five equal annual instalments payable on the 1st March 1899, corresponding dates of the four subsequent years. The Lieutenant-Governor is unable to accept the statement of the Committee as to their inability to find funds. The repair of the buildings is as much a legitimate charge upon their finances as the religious observances in which at present their whole income is absorbed, and the Committee should make their financial arrangements accordingly, with a view to providing for it. It will only be possible for the four-ninths share to meet this expenditure by considerable disarrangement of the budget provisions, and the Lieutenant-Governor can give no encouragement to the idea that that share is always available to meet demands which legitimately fall upon the Committee.

4. Upon receipt of an application, the necessary funds will be advanced on the terms now indicated, and the repairs can be undertaken at once.

I have the honour to be,

GENTLEMEN,

Your most obedient servant,

(Sd.) M. FINUCANE,

Secretary to the Government of Bengal.

No. 183—T. R.

Copy forwarded to the Director of Public Instruction, Bengal, for information.

No. 184—T. R.

Copy forwarded to the Secretary to the Board of Revenue, Land Revenue Department, for information, with reference to his letter No. 34W., dated the 5th April 1898.

By order of the Lieutenant-Governor of Bengal,

(Sd.) H. WHEELER,

Offg. Under-Secretary to the Government of Bengal.

DARJEELING,

The 11th June 1898.

No. 189, dated Calcutta, the 19th August 1898.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

We have the honour to acknowledge the receipt of your letter No. 182-T.R., dated 11th June, which reached our office on the 17th of June 1898, and at the same time to offer our apologies for the delay in communicating our reply, for the subject required serious consideration and unavoidably took time to arrive at a conclusion.

2. We were about to submit, for the consideration of His Honour the Lieutenant-Governor, a representation showing the receipts and disbursements, and the present needs and requirements of the Hooghly Imambara, and praying for an additional grant from the Kharij Towliat Fund for the upkeep of the rites and ceremonies which are essential to the maintenance of the Institution, and also to make a provision for future repairs. Under the circumstances, instead of submitting a separate representation, we think it will be convenient to embody in this communication all that is necessary to be said on the subject.

3. The yearly allowance of Rs. 20,000 allotted to the three-ninth share for the maintenance of the religious portion of the Trust was fixed at a time when all the articles were cheap. Within the last 25 years prices have almost trebled, the consequence being that what was amply sufficient many years ago is found now to be wholly inadequate to meet the customary and necessary expenses.

4. The yearly account of the three-ninth share submitted by the Mutwalli up to March 1898 shows the increase in the expense of observing the customary religious rites and ceremonies, chiefly owing to the enormous rise in the prices of articles within recent years. The rise in the price of articles of food has also necessitated some increment in the pay of the Imambara employes. Last year a large sum had to be given by way of famine compensation, though, we hope, this will prove an exceptional expenditure. Besides the cause already mentioned there has been of late a large influx of "Waredeens" (charity seekers) from various parts of India, Persia and other places, whom it is absolutely impossible to turn away without some gratuity. Since the death of the late ex-King of Oudh in 1887, a host of reciters and mourners, who used to throng the Garden Reach Imambara, annually visit the Mohsina Institution during the Moharram and Ramjan, and in spite of every endeavour to keep down their number the Mutwalli says, he finds it impossible to prevent an increase. We have from time to time made various retrenchments and have only recently directed the Mutwalli to make certain other economies which can be effected without giving rise to ill-feeling and agitation among the Shiahs both here and elsewhere.

5. Between August 1883 and May 1884, under favourable circumstances the Mutwalli was able, under our directions, to save Rs. 3,500 now in deposit with the Accountant-General of Bengal. You are already aware of the litigation in which a number of evil-disposed and mischievous persons in Calcutta and Hooghly, involved the Imambara during the last two years. This litigation was forced upon the institution and has added to its burdens and we have been obliged to take Rs. 500 out of the aforesaid savings to pay the vakeels engaged in those suits. The balance of Rs. 3,000 is held for the purpose of necessary repairs to the paraphernalia of the Imambarah.

6. In the absence of any other means the Mutwalli has had, in order to meet the necessary expenses, to draw upon the Kharij-Towlent Fund, which by a Government letter was intended as a supporter to the 3rd share. It was felt, however, that to go on this principle for any length of time was utterly impracticable and we, therefore, intended, as already stated, to request the Government for an additional grant of a sum of Rs. 4,000 annually from the 3rd share in support of the 3rd share, not only for the purpose of meeting the increased expenditure, but also for making a provision for future repairs.

7. In order to give effect to His Honour's decision the Committee will have to make a reduction of nearly half of the staff and substantially curtail the rites and ceremonies pertaining to the religious portion of the Trust. Any such drastic attempt on our part will, we believe, give rise to considerable ill-feeling among the Muhammadan community. At the same time in deference to His Honour's views we have thought it expedient to depute two of the members, viz., Hajee Ali Muhammad Sherazi and Dr. Mirza Muhammad Musoom, to go through the accounts of the Imambarah and to try and find out in consultation with the Mutwalli, in what direction and to what extent reduction is possible without seriously offending the feelings of the community or materially affecting the rites and ceremonies.

8. They have been asked to submit a report as early as possible. But we feel doubtful that the reductions would amount even to Rs. 1,000 a year. This saving, though at the cost of some ill-feeling on the part of the Muhammadan community, will probably enable the Committee to defray the expenses of future repairs without calling upon Government for help from the Mohsin Miscellaneous Fund, but it will not be possible by any means in the power of the committee to refund annually such a large sum, as the Government has directed in your letter under reply should be paid back.

9. We think it right to mention that the Committee, although vested with the supervisory control of the Imambarah, constitute a representative body from the community and cannot institute drastic reforms calculated to wound the feelings and susceptibilities of the general body of Muhammadans and they have consequently to conduct the management with some regard to the feelings of the people interested in the Imambara.

10. It would not be out of place to mention that at the present moment there are, as we understand, two sums—one of nearly ten lakhs and another of a lakh and a half rupees, in the hands of the Accountant-General of Bengal, the latter standing to the credit of the Mohsin Fund on miscellaneous accounts alone. In 1835, as appears from letter No. 4036, dated the 30th of October 1863, addressed by the Officiating Secretary to the Government of Bengal to the Secretary to the Board of Revenue, the Government directed that after setting apart from the entire amount, arising from the interest on the funds that had then accumulated, such amount as might be necessary to provide appropriate buildings, including the charge of rebuilding or repairing the Imambarah and other religious edifices, if it should be necessary to renew those, the whole of the remainder should be considered as a Trust Fund the interest of which, with the other items, might be appropriated to the purposes of education. From this it may be inferred that even then it was contemplated the cost of repairs should not be thrown on the allowance for the performance of the religious rites and ceremonies.

11. However that may be, considering the sums standing to the credit of the Trust, we thought, we may fairly represent to Government the necessity of an additional grant in order to enable the management to carry out the directions of the founder, in accordance with established usage and in conformity with the wishes and feelings of the community. We venture to hope that His Honour will consider the representation as reasonable.

12. Should Government, however, be disinclined to make the additional grant prayed for, the management, will of course, try to make such reduction as is possible, but they must respectfully ask that the sum required for the present repairs be given without the condition for payment, which, it is beyond the power of the Committee to comply with.

BUDGET FOR THE YEAR 1898-99.

Budget showing the probable Receipts and Expenditure in 1898-99 of the $\frac{3}{4}$ ths share under the management of the Hooghly Imambara Committee of Management.

Heads of Receipts.	Actual receipts in 1897.	Probable receipts in 1898-99.	Heads of Expenditure.	Actual expenditure in 1897.	Probable expenditure in 1898-99.
A—$\frac{3}{4}$TH SHARE.					
I.—The $\frac{3}{4}$ ths share of the proceeds of the Syedpur estate.	Rs. A. P.	Rs. A. P.	I.—Fatehai Amina ...	Rs. A. P.	Rs. A. P.
	20,000 0 0	20,000 0 0	II.—Mabfals ...	1,491 12 7 $\frac{1}{2}$	1,500 0 0
			III.—Shub-i-Barat ...	369 10 1	375 0 0
			IV.—Ramazan ...	120 10 10 $\frac{1}{2}$	125 0 0
			Paid in advance for 1315 A. H. ...	4,284 9 9 $\frac{1}{2}$	4,500 0 0
II.—Rents :—			V.—Nowroz ...	150 0 0	...
1. Imambazar Mahal ...			VI.—Eids ...	89 0 7	110 0 0
2. House rents ...	155 10 9	216 0 0	VII.—Kunda ...	405 4 11	412 0 0
3. Ferry ghat ...	510 5 0	501 0 0	VIII.—Mohorram ...	250 10 4 $\frac{1}{2}$	260 0 0
4. Danhat ...	120 0 0	120 0 0	IX.—Establishments ...	7,717 13 10	7,850 0 0
5. Chura Mahal ...	81 9 9	196 0 0	1. Imambara ...	7,436 6 3	7,880 0 0
6. Souadanga ...	...	12 0 0	2. Permanent aids to the Bara Imambara and Karbella ...	384 0 0	
			X.—Costs incurred in the Tosha-khana for light, shurbut, etc., in mujlis, etc ...	1,005 8 1	1,010 0 0
III.—Interest :—			XI.—Purchase and repairs—		
1. Interest on the Government security of Rs. 3,500 ...	122 3 2	122 3 2	1. House repairs ...	515 11 9	360 0 0
For the previous half-year ...	61 1 9	...	2. Purchase and repairs of nishans, furniture, etc. ...	635 7 6	640 0 0
			XII.—Charity ...	245 2 2	225 0 0
			XIII.—Miscellaneous ...	683 0 5	700 0 0
Total ...	21,050 14 5	21,167 3 2	Total ...	25,784 13 3 $\frac{1}{2}$	25,947 0 0

Budget showing the probable Receipts and Expenditure in 1898-99 of the $\frac{4}{5}$ ths share under the management of the Imambara Committee.

Heads of Receipts.	Actual receipts in 1897.	Probable receipts in 1898-99.	Heads of Expenditure.	Actual expenditure in 1897.		Probable expenditure 1898-99.	
	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
B— $\frac{4}{5}$ THS SHARE. I.—Receipts out of the $\frac{4}{5}$ ths share of the proceeds of the Syedpur estate at Rs. 787-12-5 a month.	9,453 5 0	9,453 5 0	I.—Establishment—				
			1. Imambara	6,161 9 1		6,243 0 0	
			2. Committee's office	453 5 0		453 5 0	
			Miscellaneous	71 12 0			
			3. Mourali Imambara (Jessore)	900 0 0		806 0 0	
			II.—Expenses of boarders and musafers	1,140 13 0 $\frac{1}{2}$		1,152 0 0	5
			III.—Costs of Fakha of Haji Moham-med Mohsin	251 1 1 $\frac{1}{2}$		252 0 0	
			IV.—Municipal tax	207 4 3		217 0 0	
			V.—Alms—				
			Costs of khichra distributed daily and Rs. 2 in charity on Friday	607 7 3 $\frac{1}{2}$		600 0 0	
			VI.—House repairs (accidental)	89 15 6			
			VII.—Miscellaneous	82 8 9		40 0 0	
			Total	9,965 12 1		9,763 5 9	

Budget showing the probable Receipts and Expenditure in 1898-99 of the Kharij Towlent under the management of the Committee.

Heads of Receipts.	Actual receipts in 1897.	Probable receipts in 1898-99.	Heads of Expenditure.	Actual expenditure in 1897.	Probable expenditure in 1898-99.
C—KHARIJ TOWLENT.					
I.—Rents :—	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.
1. Kidderpore ...	345 0 0	705 0 0	I—Establishment—		
2. Puddopokhur-tank ...	600 0 0	600 0 0	1. Imambarah ...	330 0 0	348 0 0
3. Katagunge ...	476 12 9	476 12 9	2. Committee's office ...	300 11 0	290 11 0
Interest ..	12 13 10½	.....	II—Municipal tax ...	47 15 6	47 0 0
4. Imam Nagar (Murshidabad) ...	28 10 6	16 0 0	III—Repairs ...	35 0 0	35 0 0
5. Imambarah Garden House ...	117 8 6	300 0 0	IV—Medicine for the Branch Dispensary ...	60 0 0	60 0 0
6. Bagi Billore ...	.....	42 0 0	V—Government revenue and dak cess of Kidderpore ...	.....	722 12 8
II.—Receipts in repayments out of the Howlat of the ½th share ...	50 0 0	1,800 0 0	VI—Costs of litigation ...	.....	500 0 0
III.—Interest on the security of Rs. 1,000 deposited by the Ijaradar of Kidderpore ...	32 13 5	.....	VII—Miscellaneous ...	82 10 3	120 0 0
IV—Refunds ...	80 0 0	.....	VIII—Howlat to ⅓ths share ...	1,640 0 0	.....
Total ...	1,743 10 6½	3,939 12 9	Total ...	2,496 4 9	2,123 7 8

(Sd.) SAIYID ASHRAFUDDIN AHMED,
Mutwall.

REVENUE DEPARTMENT.

Land Revenue.

No. 716 T. R.

From

M. FINUCANE, Esq., C.S.I.

Secretary to the Government of Bengal,

To

The Members of the Committee of Management
of Hooghly Inambara.

Darjeeling, the 11th October 1898.

GENTLEMEN,

I am directed to acknowledge receipt of your letter No. 189, dated the 19th August 1898, replying to Government order No. 182-T.R. of the 11th June. In that letter you were informed that the Lieutenant-Governor was prepared to advance from the four-ninths share of the proceeds of the Syedpur Trust Estate the sum of Rs. 37,081 to place the Inambara buildings at Hooghly in proper repair, but in view of the responsibility of the three-ninths share for the repairs of the buildings under ordinary circumstances, only on the condition that the Committee were willing to repay four-sevenths of the cost in five equal annual instalments. In your present letter it is represented that the yearly allowance of Rs. 20,000 allotted to the three-ninths share for the maintenance of the religious portion of the trust was fixed at a time when all articles were cheap, and that within the last 25 years prices have almost trebled, with the result that the funds at your disposal are no longer sufficient to meet the customary and necessary expenses. It is stated that in order to comply with the terms laid down by Government, drastic reductions, which would be repugnant to the sense of the Muhammadan community would be necessary in the staff maintained and in the expenditure on the religious rites and ceremonies, and while it is reported that the Committee are considering the possibility of effecting some economies, it is not anticipated that the amount so saved would amount to even Rs. 1,000 a year. Finally it is suggested that it was the intention of Government in 1835 that the cost of repairs should not be thrown upon the allowance for the performance of religious rites and ceremonies, and in consideration of this and other arguments supported by extracts from the budget of the Committee for the year 1898-99, Government are asked to waive the terms imposed and to advance the sum necessary for the repairs of the Inambara without the addition of any condition for repayment.

2. In reply, I am to observe that the Committee have failed to adduce any arguments other than those which were brought forward during the correspondence in the years 1881-83, when the subject was

thoroughly considered and the decision of Sir Rivers Thompson was communicated to the Committee. The only circumstance which differentiates the present application from the previous one is the fact that a portion of the repairs now required have been necessitated by the earthquake of June 1897. To that extent the Lieutenant-Governor has already recognised that the Committee may fairly ask for some measure of assistance. With reference to the statement that prices have trebled since the allotment to the three-ninths share was fixed, I am to remark that the facts, though indicating a certain rise in prices since the Government orders of 1879, do not bear out an increase to the extent alleged, while the allotment of Rs. 20,000 was not adjusted upon any consideration of the course of prices, but was simply the value of the three-ninths share of the testator's bequest taking the net proceeds for distribution of the Syudpur Trust Estate as averaging Rs. 60,000 annually over a term of years.

3. I am to invite the close attention of the Committee to the budget estimate of receipts and expenditure of the three-ninths share copies of which have been submitted with your letter under reference, and I am to remark that if it is a specimen of their financial arrangements, the ordinary principles and objects of framing a budget appear to be totally disregarded. It would seem that notwithstanding the fact that the actual expenditure from the three-ninths share during 1897, exceeded actual receipts by the sum of Rs. 4,734, the budget estimate for 1898-99 is framed so as to produce a deficit of Rs. 4,780 at the close of the present year. Unless the preparation of a budget is to be the means of equalising the estimates of income and disbursements, the formality of preparing one might as well be dispensed with, and when a deficit is deliberately budgetted for, the Lieutenant-Governor is not surprised that the Committee should habitually find themselves in a state of insolvency. It cannot be admitted that the Committee are at liberty to continue their expenditure on a scale quite incommensurate with their income. The Committee are aware what their income will amount to and it is their duty, in preparing their forecast of disbursements to keep within the limits of that sum, and to allow for a reasonable working balance. If this cannot be done while maintaining the expenditure on the previous scale, it is the imperative duty of the Committee to curtail it. The original testator left a certain sum which is under the control of the Committee, for religious rites and ceremonies and for the repairs of the Imambara, and the Committee can only incur expenditure on these objects on the scale which that sum will permit.

4. Lastly, with regard to the allegation, that the intentions of Government in 1835, were that the three-ninths share should not be burdened with the repairs of the building, I am to observe that this same argument was considered by Sir Rivers Thompson and disallowed, a conclusion in which the present Lieutenant-Governor, after a full consideration of the subject, must express his concurrence. The Committee can, indeed, only claim that the terms should be adhered to which were prescribed at the time of the Government orders of 1863, defining the conditions of their appointment, and I am to say that the declaration of Government that the expenses of the repair of the

Imambara should be a charge upon the three-ninths share is clear and explicit, while the original declarations to the same effect in the will of Muhammad Mohsin leaves equally no room for doubt. It is noticeable also that the Government of that day, possibly foreseeing a contingency such as the present, gave special orders that in making over the endowment to the future Committee the relations of Government to the trust, and the footing upon which it was made, should be recited in express terms.

5. For these reasons Sir John Woodburn is unable to accept the contentions now put forward on behalf of the Committee and must distinctly re-affirm the principle laid down in Government order No. 80-35 L.R., dated the 10th January 1883, "that it must be thoroughly understood that ordinarily the three-ninths share must in future be responsible alike for the cost of the religious observances and for the repair of the buildings." The Lieutenant-Governor however, is compelled to recognise that in their present state of the finances there is no probability of the Committee being able to refund the sum of Rs. 21,188 which they have been called upon to pay to Government, and he is so far willing to come to the assistance of the three-ninths share as to advance the sums required for repairs out of the four-ninths share, as originally promised, and to recoup the loan gradually to the extent of four-sevenths of the sum advanced from the share of the surplus receipts (*i.e.*, over Rs. 60,000) from the Syedpur Trust Estate, which would ordinarily be received by the Committee at the periodical distribution to be made at intervals of five years. As reported by the Board no such distribution was made in 1894, and the next will be due in March 1899. It is not likely that the whole sum of Rs. 21,188, which it has already been decided that the Committee should repay will then be realized, but whatever the amount then recovered may be, Government will continue at successive distributions to so apply the portion which would ordinarily go to the three-ninths share until the whole account has been adjusted.

6. For the future moreover, the Lieutenant-Governor regrets that he must now insist that the Committee make annual provision for the necessary repairs to the Imambara buildings, and at the same time keep their expenditure within the bounds of their income, and in order that Government may be satisfied from time to time that this condition is being observed, I am to request that the budgets on behalf of the three-ninths share may be regularly submitted for inspection as soon as prepared. It is not the wish of the Lieutenant-Governor to audit the different items of expenditure connected with the religious ceremonies of the Imambara or to interfere with the Committee's discretion in such matters; all that is desired is to ensure that the committee are working on a solvent basis and making fit and proper provision for the repairs of the Imambara in future. His Honour will cause an annual inspection of the state of the buildings to be made by a competent engineer, to see that the necessary annual repairs are duly executed.

7. Arrangements will now be made to undertake the repairs of the Imambara, and the Board of Revenue will be instructed to recover the sum of Rs. 21,188 from the surplus receipts of the 3rd share of the Syedpur Estate after payment of Rs. 20,000 annually to the Committee according as funds are available.

I have the honour to be,

(Sd.) GENTLEMEN,

Your most obedient servant,

(Sd.) M. FINUCANE,

Secretary to the Government of Bengal.

No. 3398, dated Calcutta, the 19th November 1898.

From—F. A. SLACKE, Esq., Offg. Secretary to the Government of Bengal, Revenue Department.

To—The Secretary to the Board of Revenue, Land Revenue Department.

With reference to the correspondence ending with this office endorsement No. 184 T.—R., dated the 11th June 1898, regarding the application made by the Committee of Management of the Hooghly Imambara for a grant from the $\frac{1}{4}$ th share of the Mohsin Endowment Fund for the purpose of meeting the cost of the repairs of the Imambara building which was damaged by the earthquake of June 1897, I am directed to forward herewith, for the information of the Board,

* Letter from the Committee of Management No. 189, dated the 19th August 1898.

Government letter to the Committee of Management No. 716 T.—R., dated the 11th October 1898.

a copy of the correspondence noted on the margin* which has since taken place between Government and the Committee on the subject.

It will be seen that owing to the inability of the Committee to refund the sum of

Rs. 21,188 which they were at first required

to do under the terms on which Government consented to make them the grant they had applied for, the Lieutenant-Governor has consented to give the advance required for repairs out of the $\frac{1}{4}$ th share on the condition that $\frac{1}{4}$ th of it, or Rs. 21,188 is recouped from the portion of the surplus balance over the fixed allotment of Rs. 60,000 a year from the Syudpur Trust Estate, which is ordinarily payable to the $\frac{3}{4}$ th share at the periodical distribution to be made at intervals of five years. I am to request that the Board will take the necessary steps to have the recoveries made from time to time and credited to the $\frac{1}{4}$ th share until the whole sum of Rs. 21,188 is adjusted, the amount so realised being reported to Government on each occasion.

2. The repairs to the building will be effected by the Public Works Department to which the estimate of cost has been forwarded and I am to request that arrangements may be made by the Board, in communication with the Accountant-General, Bengal, to place the requisite funds at the disposal of the Public Works Department at an early date.

3. I am at the same to add that the Lieutenant-Governor's

	Rs.		attention has been drawn to the large out-
* 1896-97	1,05,973	...	standing balances* of rent and to the large
1897-98	1,11,651	...	expenditure on law† charges in connection
<hr/>			
+ 1896-97	5,128	...	with the management of the Syedpur Trust
1897-98	3,771	...	Estate, as shown in the Board's Annual

Reports on wards and attached estates for the years 1896-97 and 97-98. I am to ask that it may be considered whether by the speedy realisation of arrears and economies in other directions the surplus available for distribution may not be soon made sufficient to repay the recoverable portion of the sum now to be advanced.

No. 3399, dated Calcutta, the 19th November 1898.

Memo. by—H. WHEELER, Esq., Under-Secretary to the Government
of Bengal, Revenue Department.

The Revenue Under-Secretary is directed to forward to the Public Works Department the accompanying estimate, amounting to Rs. 37,801, of the cost of repairing the Imambara buildings at Hooghly, and to request that the work may be undertaken by the Public Works Department at an early date. The necessary funds will be placed at the disposal of the Public Works Department by the Board of Revenue, to whom instructions on the subject have been issued.

No. 18W., dated Calcutta, the 19th December 1898.

From—E. W. COLLIN, Esq., I.C.S., Officiating Secretary to the
Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue
Department.

THE HON'BLE MR. G. TOYNBEE.

With reference to the correspondence ending with Government order No. 3398, dated 19th November 1898, and enclosures regarding the repairs to the Hooghly Imambara buildings, I am directed to invite the attention of Government to the concluding portion of paragraph 4 of my letter No. 34W., dated the 5th April 1898, in which it is stated that the Board sanctioned, as a special case, the expenditure of Rs. 2,790 for urgent repairs to the Imambara buildings rendered necessary by the earthquake, from the General Fund standing at the credit of the four-ninths share of the Mohsin Fund and that this sanction was given on the Board's responsibility owing to the urgency of the case, pending a report as to the full amount which could be required and how it would be provided.

2. The Local Agent of Hooghly now reports through the Commissioner of the Division that out of Rs. 2,790, Rs. 2,358-1-6 was expended during the year 1897-98 and the balance of Rs. 431-14-6 has lapsed owing to the non-receipt of bill before the 31st of March 1898. He further requests that the Board's sanction may be accorded to the disbursement of the lapsed amount of Rs. 431-14-6 and also of Rs. 166 spent in excess over the amount already sanctioned. It is explained that the additional expenditure was incurred in consequence of more sand plaster and repairs to cracks which were found necessary while the work was in progress.

3. Having regard to the orders of Government on the subject of repairs to the Imambara, copy of which was forwarded to the Board with Government order No. 184T. R., dated the 11th June 1898, the Board are precluded from sanctioning any expenditure for such repairs out of the four-ninths share of the fund. The Board are not aware if any orders were passed by Government as to the expenditure of the sum of Rs. 2,790 provisionally sanctioned by them and it is possible that this amount was included in the estimate of Rs. 37,081 sanctioned by Government in their letter to the Committee of Management. No. 182T. R., dated 11th June 1898. If not, I am to request that this expenditure may now be sanctioned out of the four-ninths share as an exceptional expenditure on account of the earthquake. I am to add that this recommendation is in accordance with the principle laid down in paragraph 3 of Government order No. 182T. R., dated 11th June 1898, to the address of the members of the Committee of Management, Hooghly Imambara. I am to request that the sanction of Government may also be accorded to the additional expenditure of Rs. 166 incurred for the work as stated above.

REVENUE DEPARTMENT.

No. 270, dated Calcutta, the 21st January 1899.

From—FRANK LYALL, Esq., Under-Secretary to the Government
of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, L. P.

With reference to your letter No. 18 W., dated the 19th December 1898, I am directed to convey sanction to the expenditure out of the four-ninths share of the Mohsin Trust Fund of the sum of Rs. 2,956 incurred on account of the repairs of the Hooghly Imambara buildings. I am to add that four-sevenths of the amount, or Rs. 1,689-2-3, should be recovered in the same manner as that directed in this office letter No. 3398, dated the 19th November 1898, in respect of the sum of Rs. 21,188 from the portion of the surplus balance over the fixed allotment of Rs. 60,000 a year from Syudpur Trust Estate, which is payable to the three-ninths share at the periodical distribution made at intervals of five years.

Memo. No. 271.

Copy, with copy of the Board's letter to which it is a reply, forwarded to the members of the Committee of Management of the Hooghly Imambara for information.

Memo. No. 272.

Copy forwarded to the Financial Department of this office for information and communication to the Accountant-General, Bengal. The charge should be met from the saving of Rs. 3,031, surrendered by the Public Works Department out of the budget grant for the year 1898-99.

By order of the Lieutenant-Governor of Bengal,

(Sd.) FRANK LYALL,

Under-Secy. to the Govt. of Bengal.

CALCUTTA,
The 21st January 1899.

No. 11 W., dated Calcutta, the 9th February 1899.
 From—F. A. SLACKE, Esq., Secretary to the Board of Revenue,
 L. P.,
 To—The Secretary to the Government of Bengal, Revenue
 Department.

With reference to the correspondence ending with Government Order No. 270 L. R., dated the 21st of January 1899, regarding the repairs to the Hooghly Imambara buildings, I am directed to submit herewith, for the consideration and orders of Government, a copy of a letter from the Assistant Chief Engineer, Bengal, Public Works Department, No. 562 B., dated the 30th of January 1899, and enclosures, in original, in which he states that the amount required for the work is Rs. 47,891 which exceeds the amount of Rs. 37,801, sanctioned by Government, in Order No. 3398, dated the 19th of November 1898, by Rs. 10,810. I am, therefore, to request that you will be so good as to move the Government to sanction the payment, on the same terms as before, of the additional sum of Rs. 10,810, required from the funds of the $\frac{4}{9}$ ths share of the Mohsin Fund.

2. The return of the plans and estimates are requested.

No. 562 B, dated, Calcutta, the 30th January 1899.

From—E. R. GARDINER, Esq., Assistant to Chief Engineer,
 Bengal,

To—The Secretary to the Board of Revenue, L. P.

I have the honour to forward, for countersignature, the accompanying estimate framed by the Executive Engineer, 2nd Calcutta Division, amounting to Rs. 51,775 (inclusive of the usual percentage charges for establishment and tools and plant) and plans for executing repairs to the Imambara buildings at Hooghly.

Amount of estimate, exclusive of percentage charges	41,586	2. As the work is to be carried out by a contractor at Rs. 7-8 per cent below the esti- mate, the amount required is Rs. 47,891 as shown in the margin. The Superintending Engineer, Central Circle, reports, however, that a sum of only Rs. 25,000 is required for ex- penditure during the current financial year. This amount should be paid to the credit of this Department for the present; the balance Rs. 22,891 may be paid in April next.
Deduct loss percentage at which work is to be carried out	3,119	
	<u>38,467</u>	
Add 24½ per cent. for es- tablishment and tools and plant	9,424	
	<u>47,891</u>	

3. The Executive Engineer has explained to his letter No. 187, dated the 13th January 1899 (copy enclosed), to the Superintending Engineer why the estimate framed by him exceeds that prepared by the District Engineer of Hooghly. The District Engineer's estimate is also herewith forwarded for inspection.

The return of the plans and the two estimates is requested.

No. 903, dated Calcutta, the 9th March 1899.

From—FRANK LYALL, Esq., Officiating Under-Secretary to the
Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, Land Revenue
Department.

I am directed to acknowledge the receipt of your letter No. 11 W., dated the 9th February 1899, submitting a revised estimate prepared by the Executive Engineer, 2nd Calcutta Division, which shows that the cost of repairing the Hooghly Imambara buildings will now amount to Rs. 47,891 or Rs. 10,810, in excess of the sum sanctioned in this office letter No. 3398, dated the 19th November 1898. The Board request that the payment of this additional sum may be sanctioned on the same terms as before, from the funds of the four-ninths share of the Mohsin Trust Fund.

2. In reply I am to say that the Lieutenant-Governor sanctions the Board's proposal.

3. The original enclosures of your letter are herewith returned.

Memo. No. 904.

No. 716T.R. dated the 11th
October 1898 and No. 3398, dated
the 19th November 1898.

Copy, with copy of the Government Orders noted on the margin, forwarded to the Financial Department, for information and communication to the Accountant-General, Bengal.

CALCUTTA,
The 9th March 1899.

By order of the Lieutenant-Governor of Bengal,

(Sd.) FRANK LYALL,
Officiating Under-Secretary to the Government of Bengal.

No. 1217 T. A., Dated Calcutta, the 10th March 1899.

From—W. H. MICHAEL, Esq., Accountant-General, Bengal.

To—The Secretary to the Government of Bengal, Financial Department.

With reference to Bengal Government, Financial Department, endorsement No. 779 F. of the 30th January 1899, and Revenue Department No. 3398 of the 19th November 1898 (a copy of which was forwarded to this office by the Board of Revenue) in which sanction was accorded to the expenditure out of the four-ninths share of the Mohsin Endowment Fund, of the sums of Rs. 2,956 and Rs. 37,081. respectively, for the repairs of the Hooghly Imambara buildings, I have the honour to point out that there is no available balance at credit of the Mohsin Endowment Fund for the current year, out of which the amounts mentioned above, can be met. This has already been reported to the Financial Department in paragraph 25, of my letter No. 050 Bt., dated the 21st May 1898, and the Local Government is not empowered to sanction any over draft by an Excluded Local Fund—*vide* Government of India, Financial Department Order No. 2552 A. of the 7th June 1898. I have, therefore, the honour to request that the sanction of the Government of India may be obtained to the disposal of a portion of the Government securities of the Fund at an early date to enable me to place the amount at credit of the Public Works Department for the urgent repairs of the Hooghly Imambara buildings as sanctioned by Government.

Memo. No. 1371 B., Dated Calcutta, the 11th March 1899.

From—E. R. GARDINER, Esq., Under-Secretary to the Government of Bengal, Public Works Department,

To—The Secretary to the Government of Bengal, Financial Department.

The Examiner of Public Works Accounts, Bengal, stated that the Accountant-General, Bengal, in his letter No. 74T.A.G., dated the 6th January 1899, asked the Collector of Jessore to place the sum of Rs. 37,081 on account of thorough repairs to the Imambara buildings at Hooghly to the credit of the Public Works Department through the Collector of Hooghly immediately. As the credit has not yet appeared in the Exchange Accounts of the Accountant-General, Bengal, with the Examiner of Public Works Accounts, Bengal, the undersigned has the honour to request that the Financial Department will be so good as to take steps to arrange for placing the amount to the credit of this Department without delay, as heavy liabilities have been incurred which cannot be met until this sum is deposited.

No. 1238, dated Calcutta, the 22nd March 1899.

From—M. FINUCANE, Esq., C.S.I., Secretary to the Government of
Bengal, Revenue Department,

To—The Accountant-General, Bengal.

I am directed to acknowledge the receipt of your letter No. 1217 T.A., dated the 10th March 1899, in which you report that there is no available balance at the credit of the Mohsin Endowment Fund from which the sums of Rs. 2,956 and Rs. 37,081, respectively, sanctioned for expenditure on the repairs of the Hooghly Imambara buildings can be met, and you accordingly request that the sanction of the Government of India may be obtained to the sale of a portion of the Government securities of the Fund to enable you to advance the amount to the Public Works Department to carry out the repairs.

2. In reply, I am to say that from the very letter of the Government of India quoted by you No. 2552 A., dated the 7th June 1898, it would appear that what the Imperial Government objected to was that an Excluded Local Fund should be unnecessarily assisted from provincial resources by being allowed to enjoy a temporary overdraft and not a portion of the invested capital should be sold. The Government of India go so far as to say that the latter would have been the suitable course to have adopted. This Government are unaware of any other orders prohibiting the sale of securities belonging to an Excluded Local Fund without the previous sanction of the Government of India and in the absence of any such orders. I am to request you to take the necessary steps to sell such portion of the securities held by you on account of the Mohsin Endowment Fund as will cover the required expenditure already incurred or about to be incurred on the repairs of the Imambara buildings, and to place the sum to the credit of the Public Works Department at an early date. I am at the same time to draw your attention to this office letter No. 903, dated the 9th March 1899, a copy of which was communicated to you with the Financial Department endorsement No. 1706 F., dated 15th idem, from which it will be seen that the estimate of Rs. 37,081, has been subsequently increased to Rs. 47,891. Unless, therefore, the sum of Rs. 2,956 sanctioned in this office letter No. 270, dated the 21st January 1899, can be met as requested, from the sum of Rs. 3,031, allotted to Public Works Department from the Mohsin Fund, but since surrendered, the total sum that will have to be realised by the sale of securities to meet expenditure on the repairs of the Imambara buildings will be Rs. 50,847.

Memo. No. 1239.

Copy forwarded to the Public Works Department of this Government, for information, with reference to the letter from that Department to the address of the Financial Department No. 1371 B., dated the 11th March 1899.

Memo. No. 1239½.

Copy forwarded to the Board of Revenue, for information, with reference to the correspondence ending with this office letter No. 903, dated the 9th March 1899.

By order of the Lieutenant-Governor of Bengal,

(Sd.) FRANK LYALL,

Offg. Under-Secretary to the Government of Bengal.

CALCUTTA,

The 22nd March 1899.

No. 50 S. T., dated Calcutta, the 24th April 1899.

From—W. H. MICHAEL, Esq., Officiating Accountant-General,
Bengal.

To—The Secretary to the Government of Bengal, Revenue
Department.

In continuation of my letter No. 800 S.T., dated 29th March 1899, I have the honour to state that Government Promissory Notes of the nominal value of Rs. 49,800, belonging to the Mohsin Endowment Fund, have been sold, realising a net sum of Rs. 51,038-5-6, out of which Rs. 50,847 have been placed to the credit of the Public Works Department to meet the expenditure on the repairs of the Hooghly Inambara buildings, leaving a balance of Rs. 191-5-6. I have the honour to enquire whether this balance should be credited to the Mohsin Endowment Fund or re-invested in Government securities on behalf of the Fund.

No. 39 W., dated Calcutta, the 12th May 1899.

Memo. by—R. W. CARLYLE, Esq., C.I.E., Officiating Secretary to the
Board of Revenue, L. P.,

* *Copy submitted to the Secretary to the Government of Bengal.*
Revenue Department, for information, with
 * *A copy of the following letter.* *reference to paragraph 3 of Government Order*
No. 3398, dated the 19th November 1898.

No. 66 W., dated Calcutta, the 12th May 1899.

From—R. W. CARLYLE, Esq., C.I.E., Officiating Secretary to the
 Board of Revenue, L. P.,

To—The Commissioner of the Presidency Division.

With reference to your letter No. 1 W., dated the 6th of April 1899, and its enclosure, suggesting certain retrenchments in the scheme of regular expenditure of the Syudpur Trust Estate in Khulna, in order to secure the recovery of $\frac{1}{4}$ ths of the amount advanced by Government for the repairs of the Inambara at Hooghly, I am directed to say that, as recommended by you the Board approve the Collector's proposal that the pay of the head-clerk, the second clerk, and a peon of the office of the estate, aggregating

	Rs.	
	Per mensem.	
Head-clerk	... 35	
Second "	... 25	
Peon ...	... 6	
Total	... 66	

Rs. 66 a month or Rs. 792 a year, be met from the general rate leviable under the Government Management of Private Estates Act X of 1892, reducing the management charges of the Trust Estate by that amount.

2. Your recommendation that the expenditure under heads "Improvement" and "Investment in land" be discontinued altogether for the next five years, is also approved. The Board agree with you in thinking that the expenditure under heads "Purchase of tenants' rights" and "Survey and preparation of record of rights" should not, in the circumstances, stated by you, be curtailed.

3. Every endeavour should, as desired by you, be made to put the work of collections on a more satisfactory footing during future years, so that the surplus at the end of each year may be increased.

No. 41 W., dated Calcutta, the 18th May 1899.

From—R. W. CARLYLE, Esq., C.I.E., Officiating Secretary to the
Board of Revenue, L.P.,

To—The Secretary to the Government of Bengal, Revenue
Department.

At the instance of the Commissioner of the Burdwan Division the Board sanctioned the construction of an operation-room for the Imambara Hospital at Chinsurah, at a cost of Rs. 1,493. This charge is debitable to the four-ninths share of the Mohsin Endowment Fund. No provision was made for this amount in the budget estimate of the fund for the current year, which closes with a debit balance of Rs. 10,472 as reported by the Accountant-General, Bengal. I am, therefore, to request that the sanction of Government may be accorded to the sale of Government Promissory Notes belonging to the Mohsin Endowment Fund sufficient to cover the expenditure of Rs. 1,493 mentioned above.

No. 336 T.-R., dated Darjeeling, the 3rd June 1899.

From—F. A. SLACKE, Esq., Officiating Secretary to the Government of Bengal, Revenue Department,

To—The Accountant-General, Bengal,

I am directed to acknowledge the receipt of your letter No. 50 S.T., dated the 24th April 1899, in which you intimate that out of a sum of Rs. 51,038-5-6 realised by the sale of Government Promissory Notes of the nominal value of Rs. 49,800, you have placed a sum of Rs. 50,847 to the credit of the Public Works Department.

2. In reply, I am to inform you that the Public Works Department only claim a sum of Rs. 47,891 to meet the cost of repairs to the Imambara, so that the balance left after satisfying their demand would be Rs. 3,147-5-6.

3. That the Board of Revenue, however, at the instance of the Commissioner of Burdwan, have sanctioned the construction of an operation-room in the Hooghly Imambara Hospital, Chinsura, at a cost of Rs. 1,493, the cost to be met from the four-ninths share, and it is understood that the work is being carried out by the District Board..

4. I am, therefore, to request that you will put this sum at the disposal of the Board, and re-invest the balance of the sum of Rs. 3,147-5-6, viz., 1,654-5-6, in Government securities on behalf of the Fund.

No. 378 T.-R., dated Darjeeling, the 7th June 1899.

From—F. A. SLACKE, Esq., Offg. Secretary to the Government
of Bengal, Revenue, Department,

To—The Secretary to the Board of Revenue, L. P.

Referring to your endorsement No. 39W., dated the 12th May 1899, with which you forward, for the information of Government, a copy of a letter No. 66W. of the same date to the address of the Commissioner of the Presidency Division, I am directed to draw your attention to the preamble of Act X of 1892, and to section 3 (1) (a) thereof, from which it would appear that only the cost of a Government establishment, in so far as it may be employed in the management and supervision of an estate, and other than an establishment specially entertained for the supervision or management of that estate, may be debited to the general rate.

2. I am, therefore, to ask the Board to consider the legality of their action in approving the Collector's proposal that the pay of the head-clerk, the second clerk, and of a peon of the office of the estate should be met from the general rate.

No. 379T.—R., dated Darjeeling, the 7th June 1899.

From—F. A. SLACKE, Esq., Offg. Secretary to the Government
of Bengal. Revenue Department,

To—The Secretary to the Board of Revenue, L. P.

I am directed to acknowledge the receipt of your letter No. 41W., dated the 18th May 1899, in which you report that the Board have, at the instance of the Commissioner of the Burdwan Division, sanctioned the construction of an operation-room in the Hooghly Imambara Hospital at Chinsurah. You add that the charge is debitable to the four-ninths share of the Mohsin Fund, and request that, as there is no provision in the current year's budget which closes with a debit balance of Rs. 10,472, Promissory Notes sufficient to cover the expenditure sanctioned may be sold.

2. In reply, I am to inform you that the Accountant-General has been instructed to take the necessary steps to put the amount in question at your disposal.

3. I am at the same time desired by the Lieutenant-Governor to draw the Board's attention to paragraph 2 of their letter No. 34W., dated the 5th April 1896, from which it would appear that the Board are aware that, with the exception of the monthly fixed charges marginally mentioned in the above letter, they have no control over the four-ninths share debited to secular purposes. I am accordingly to request that in future all expenditure debitable to this fund, which is not under the control of the Board, may be referred to government for sanction before it is incurred.

No. 4397 B., dated Calcutta, the 7th September 1899.
 From—The Secretary to the Government of Bengal,
 Public Works Department.

To—The Secretary to the Government of Bengal,
 Revenue Department.

With reference to the endorsement from the Revenue Department of this Government No. 1239 of the 22nd March 1899, the undersigned has the honour to say that sanction has been accorded to a revised estimate amounting to Rs. 61,908 inclusive of charges for establishment and tools and plant for executing thorough repairs to the Imambara buildings at Hooghly. The excess of Rs. 10,133 over the original estimate amounting to Rs. 51,775 is due to—

	Rs.
(1) extra works found necessary ...	2,890
(2) omissions in the original estimate ..	5,231
(3) increased rates	18
(4) increase under establishment and tools and plant charges	1,994
	<hr/> 10,133

2. A sum of Rs. 47,891 has been already deposited in the treasury to the credit of this Department. An additional allotment of Rs. 9,374 is required for the completion of the work as noted in the margin. It is requested that the Revenue Department will be so good as to sanction the payment of the further sum of Rs. 9,374 required from the same source as before, viz., from the funds of the four-ninths share of the Mohsin Trust Fund, and instruct the Accountant-General, Bengal, to place the amount at the credit of the Executive Engineer, 2nd Calcutta Division.

	Rs.
Revised estimate exclusive of charges for establishment and tools and plant at $24\frac{1}{2}$ per cent. ...	49,725
Deduct contractors less percentage of Rs. 49,725 at $7\frac{1}{2}$ per cent.	3,729
	<hr/> 45,996
Add for establishment and tools and plant at $24\frac{1}{2}$ per cent.	11,269
	<hr/> 57,265
Deduct allotment already made	47,891
Allotment now required	9,374

GOVERNMENT OF BENGAL.

No. 3450, dated 23rd September 1899.

To—The Public Works Department.

With reference to the Public Works Department memorandum No. 4397 B., dated the 7th September 1899, the Revenue Under-Secretary is directed to say that under the circumstances mentioned therein sanction has been accorded to the payment from the four-ninths share of the Mohsin Endowment Fund of a further sum of Rs. 9,374 (Rupees nine thousand, three hundred and seventy-four only) required for the completion of the repairs of the Hooghly Imambara building. The Accountant-General, Bengal, has, as desired, been instructed to realise the amount in question by the sale of the Government securities held by him at the credit of the four-ninths share of the Mohsin Endowment Fund and place it at the disposal of the Executive Engineer, 2nd Calcutta Division.

MEMORANDUM No. 3451.

Copy, with copy of the Public Works Department memo. referred to and of the letter addressed to the Accountant-General, Bengal, forwarded to the Board of Revenue for information with the request that instructions may be issued for the recovery of four-sevenths of the amount now sanctioned, in the manner indicated in Government order No. 3398, dated the 19th November 1898.

REVENUE DEPARTMENT.

LAND REVENUE BRANCH.

Dated the 23rd September 1899.

By order, etc.,

No. 33.

From

The Members of the Committee for the Management
of the Hooghly Imambara,

To

The Secretary to the Government of Bengal,
Revenue Department, Land Revenue Branch.

Dated 9, Harrington Street. the 20th day of February 1900.

SIR,

We beg to inform you for the information of His Honour the Lieutenant-Governor that in accordance with a scheme framed by two members of the Committee—Dr. Mirza Mohammad Masoom and Haji Ali Mohammad Shirazi—the annual expenses of the Imambara have been fixed at Rs. 18,800. The new scheme came into force from January 1899, and although it gave rise to some popular clamour we have insisted upon the Mutwalli carrying it out in every detail. Its future success, however, will depend upon the cordial and loyal co-operation of the Mutwalli and the other officers of the Imambara. A supervisory Committee like ours must, from the necessity of the case, leave the practical administration of the Imambara with the working of the scheme to the responsible head of the institution.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) AMIR ALI,

(Sd.) M. M. MASOOM,

(Sd.) HAJEE ALI MAHOMED SHIRAZI,

(Sd.) D. H. AHMED,

(Sd.) SYED AHMAD ALI,

Members of the Committee.

GOVERNMENT OF BENGAL,

REVENUE DEPARTMENT.

No. 1082.

To

The Members of the Committee for the Management
of the Hooghly Imambara,

Dated 9, Harrington Street, the 7th March 1900.

SIRS,

With reference to your letter No. 33, dated the 20th February 1900, reporting, for the information of Government, that in accordance with a scheme framed by two members of the Committee—Dr. Mirza Mohammad Masoom and Hazi Ali Mohammad Shirazi—the annual expenses of the Imambara have been fixed at Rs. 18,800, I am directed to request you to furnish Government with a copy of the scheme therein referred to.

I have, etc.,

No. 50, dated Hooghly, the 17th March 1900.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

With reference to your letter No. 1082, dated the 7th March 1900, we beg to forward herewith, as requested, for the information of His Honour the Lieutenant-Governor, a copy of the scheme framed by Dr. Mirza Muhammad Masoom and Hazi Ali Muhamamad Shirazi. At the same time we desire to add that the possibility of making some further reduction is under the consideration of the Committee.

The Imambara has lately been put to considerable expenso in consequence of the machinations of designing persons, which have led to various applications in court on the part of some dismissed servants of the Imambara. It has become, therefore, necessary, not only to meet these expenses but also to provide against contingencies of this character.

Abstract of Expenditure of $\frac{3}{9}$ ths share :—

				Amount.		
				Rs.	A.	P.
Aayad and Mahfil	...	...	...	878	15	0
Majlis	...	...	...	1,008	11	9
Ramjan	...	...	...	2,824	0	0
Muharram	...	...	...	5,560	15	11
Khairat	...	...	...	120	0	0
Miscellaneous	...	...	...	600	6	1
Illumination of every night	...	...	...	365	0	0
Establishment	...	...	...	7,442	0	0
Total				18,800	0	0.

Aayad and Mahfil.				Amount.			Total.		
				Rs.	A.	P.	Rs.	A.	P.
Shab-i-bara									
Halwa, 560 hissa, $\frac{1}{4}$ anna worth each plate				26	4	0			
Roti, 560 do. $\frac{1}{4}$ ditto ditto				17	8	0			
Earthen plates, 560 ...	...	...	...	1	2	0			
Wood ...	...	...	...	0	12	0			
Illumination ...	...	...	...	20	0	0			
							65	10	0
Nowroze—									
Sweets 560 hissa, 1 anna worth each plate				35	0	0			
Biscuit, 560 do. $\frac{1}{4}$ ditto ditto				8	12	0			
Eggs, 560 do. ditto ditto				26	4	0			
Earthen plates ...	...	...	...	2	15	0			
							72	15	0
Total							138	9	0

Aayad and Mahfil.				Amount.	Total.
				R. A. P.	Rs. A. P.
Brought forward ...				...	138 9 0
Edi-zoha—					
Zarda, 1 maund 20 seers, at Rs. 30 a maund				45 0 0	
Earthen plates, 560				2 15 0	
Wood				0 12 0	
				<hr/>	48 11 0
Edi-ghadir—					
Zarda, 1 maund, at Rs. 30 a maund ...				30 0 0	
Polaw, 2½ do. Rs. 30 ditto ...				75 0 0	
Earthen plates				5 14 0	
Wood				1 5 0	
				<hr/>	112 3 0
Edi-feter—					
Sweets (jalibee, shakerpara and boondya)					
560 hissa, at ¾ anna per plate ...				26 4 0	
Sugar, pan, eter and golab				10 0 0	
				<hr/>	36 4 0
Eede Korban—					
Beef, 1½ anna worth per hissa for 560 hissa				52 8 0	
Sugar, pan, eter and golab				10 0 0	
				<hr/>	62 8 0
Eede Mobahila—					
Sweets (jalibee, shakerpara and boondya)					
560 hissa, ¾ anna per plate				26 4 0	
				<hr/>	26 4 0
Eede Mabas—					
Sweets (jalibee, shakerpara and boondya)					
560 hissa, ¾ anna per plate				26 4 0	
				<hr/>	26 4 0
Koonda—					
Polaw, 4 maunds, at Rs. 25 a maund ...				100 0 0	
Zarda, 1 ditto 24 ditto ...				24 0 0	
Earthen koonda, 128, at 5 pice each ...				10 0 0	
Do. plates, 128, at 2 pice each ...				4 0 0	
Wood				1 8 0	
				<hr/>	139 8 0
Birthday of Prophet—					
Sweets (jalibee, shakerpara and boondya) ...				26 4 0	
				<hr/>	26 4 0
Birthday of 10 Emams—					
Such 10 birthdays at Rs. 26-4 each day for					
10 days				262 8 0	
				<hr/>	262 8 0
GRAND TOTAL				...	878 15 0
					<hr/>

	Amount.	Total.
	Rs. A. P.	
Majlis—		
Fatiha of Prophet—		
Polaw, 4 maunds, at Rs. 30 a maund, for 800		
hissas	120 0 0	
Earthen plates	4 4 0	
Wood	1 2 0	
	<hr/>	125 6 0
Shahadat of Syveda—		
Firnee, 1 anna each plate, 800 hissa ...	50 0 0	
Roti, $\frac{1}{4}$ anna each plate, 800 hissa ...	12 8 0	
Earthen plates	4 4 0	
Wood	0 15 0	
	<hr/>	67 11 0
Majlis of Shahadat—		
Majlis of Shahadat at Rs. 67-11 each majlis, for such 9 majlis	609 6 0	
	<hr/>	609 6 0
Thursday majlis—		
Sugar, 10 seers, at Rs. 10 a maund ...	2 8 0	
Such 43 majlis, at Rs. 2-8 each majlis ...	107 8 0	
	<hr/>	110 0 0
Illumination for 11 nights of Shahadat, cocoanut oil 25 seers each night, for 11 nights, 6 maunds and 35 seers at Rs. 14 per maund	96 4 0	
	<hr/>	96 4 0
GRAND TOTAL ... ..	...	1,008 11 0
Ramzan.		
Hazree—		
Polaw, 20 seers, for 100 hissa daily at Rs. 30 a maund	15 0 0	
Firnee, for 100 hissa daily at 1 anna each plate	6 4 0	
Makooti, ditto ditto ditto ..	6 4 0	
Falooda, ditto ditto ditto ...	6 4 0	
Kalya, ditto ditto $\frac{1}{4}$ ditto ...	3 2 0	
Roti ditto ditto ditto ...	6 4 0	
Kabab ditto ditto $\frac{1}{4}$ ditto ...	1 9 0	
Dalchana ditto	0 6 3	
Earthen plates	3 0 0	
Wood	2 0 0	
	<hr/>	50 1 3
Such hazree, for 24 days more, at the above rate	1,201 14 0	
	<hr/>	1,201 14 0
Total ... ..	...	1,251 15 3

Ramzan.				Amount			Total.		
				Rs. A. P.			Rs. A. P.		
Brought forward					1,251 15 3		
Bara Hazree—									
Polaw, 1 maund 5 seers, for 225 hissa, at									
Rs. 30 a maund				...	33	12	0		
Firnee, for 225, hissa 1 anna each				...	14	1	0		
Makooti, ditto ditto				...	14	1	0		
Falooda, ditto ditto				...	14	1	0		
Kalya, ditto ½ ditto				...	7	0	6		
Roti, ditto ½ ditto				...	14	1	0		
Kabab, ditto ¼ ditto				...	3	8	3		
Halwa, ditto ½ ditto				...	7	0	6		
Dalchana,	0	14	0		
Earthen plates				...	4	0	0		
Wood				...	3	0	0		
Korema for 225 hissa, 1 anna each				...	14	1	0		
							129	8	3
Such bara hazree, for 2 days more at the above rate				...	259	0	6		
							259	0	6
Nan Firnee—									
Firnee, 1 anna worth, for 177 hissa daily				...	11	1	0		
Roti, ¼ ditto ditto				...	2	12	3		
Earthen plates				...	0	10	9		
Wood				...	0	12	0		
							15	4	0
Such nan-firnee, 177 hissa, for 24 days at the above rate				...	366	0	0		
							366	0	0
Khetchree—									
For paupers, 4½ maunds, at Rs. 9 a maund				...	40	8	0		
							40	8	0
Thursday majlis—									
Khajoor, for 4 Thursdays, at Rs. 6-4 each day				...	25	0	0		
Wood				...	1	12	0		
							26	12	0
Bawerchikhana miscellaneous expenses				...	100	0	0		
							100	0	0
Toshakhana ditto				...	25	0	0		
							25	0	0
Sherbet for 19th and 21st night: sugar 4 maunds at Rs. 10 a maund				...	40	0	0		
							40	0	0
Cocoonut oil for illumination on the 19th and 21st nights, 8 maunds				...	112	0	0		
							112	0	0
Candle for Shahnashīne				...	8	0	0		
							8	0	0
Waredeen				...	450	0	0		
							450	0	0
GRAND TOTAL				...			2,824	0	0

MUHARRAM.				Amount.	Total.
				Rs. A. P.	Rs. A. P.
For 1 day—					
Polaw, 4 maunds, for 800 hissa, at Rs. 30 a					
maund				120	0 0
Kalya, $\frac{1}{2}$ anna each plate, for 800 hissa				25	0 0
Roti, $\frac{1}{4}$ ditto ditto				12	8 0
Earthen plates and cups				7	6 0
Wood				2	4 0
					167 2 0
For 6 days more—					
Such 800 hissa daily at the above rate				1,002	12 0
					1,002 12 0
For 7th day hazree—					
Polaw, 4 maunds, for 325 hissa, at Rs. 30 a					
maund				120	0 0
Kalya, 1 anna per plate for 325 hissa				20	5 0
Korema, 1 ditto ditto				20	5 0
Roti, 1 anna per pair for 325 hissa				20	5 0
Boorain, $\frac{1}{4}$ anna per plate for 325 do.				5	1 3
Halwa, $\frac{1}{2}$ ditto ditto				10	2 6
Wood				2	8 0
Earthen plates				0	8 0
					199 2 9
For 9th day—					
Polaw, 3 maunds, at Rs. 30 a maund				90	0 0
Kalya, $\frac{1}{2}$ anna worth per plate for 325				10	2 6
Roti, $\frac{1}{4}$ anna each, for 325				5	1 3
Earthen plates				1	3 6
Wood				1	8 0
					107 15 3
For 9th, 10th, 11th, and 12th days—					
Khetchree, 4 maunds, at Rs. 10 a maund				40	0 0
					40 0 0
For 10th day—					
Gunj-ka-khir, 1 anna per plate for 800				50	0 0
Earthen plates				4	4 0
Wood				0	12 0
					55 0 0
For 15th day Bara khana, or called Duswan-ka-Hissa-Polaw—					
Polaw, 1 maund and 16 seers for 225 hissa					
at Rs. 30 a maund				42	0 0
Korema, 1 anna per plate for 225 hissa				14	1 0
Kalya, $\frac{1}{2}$ ditto ditto				7	0 6
Roti, 1 anna per pair for 225				14	1 0
Halwa, $\frac{1}{2}$ per plate				7	0 6
Earthen plates				4	0 0
Wood				3	0 0
					91 3 0
Total					1,663 3 0

MUHARRAM.				Amount.	Total.
				Rs. A. P.	Rs. A. P.
Brought forward ...				...	1,663 3 0
For 17th and 19th—					
Such Bara khana, two days more, at the above rate ...				182 6 0	182 6 0
For Bawerchikhana—					
Miscellaneous ...				50 0 0	50 0 0
					1,895 9 0
Illumination—					
Candle for Shahnashine ...				25 0 0	
Cocoanut oil, 24 maunds for 9 nights at Rs. 14 a maund ...				336 0 0	
Candle for Togh, 6 large candles ...				4 12 0	
Do. for Abrak Jhar, 2 maunds and 12 seers, at Rs. 64 per maund ...				151 12 9	
Candle ...				17 12 2	
Do. with kandeel round the reservoir ...				15 6 0	
Kerosine oil ...				5 0 0	
Torches ...				0 12 0	
Sherbet from 1st to 10th day sugar at Rs. 10 a maund ...				200 0 0	
Rose water ...				12 0 0	
Gola Bum, 150, at Rs. 16 per 100 ...				24 0 0	
Dholi music ...				20 0 0	
For Toshakhana, miscellaneous ...				100 0 0	
Elephants ...				100 0 0	
Horses ...				30 0 0	
Repairs of Tazya, Masjid and Abrak jhar ...				200 0 0	
For 21st day—					
Polaw, 4 maunds for paupers, at Rs. 22 a maund ...				88 0 0	
Earthen plates ...				5 4 0	
Wood ...				1 8 0	
For eight days—					
Khetchree, 1½ maund per day for paupers, at Rs. 9 a maund ...				108 0 0	
Wood ...				3 0 0	
Dhanya, elachee and dalee ...				20 0 0	
Fatiha of Chehloom—					
Polaw, 4 maunds, for 800 hissa at Rs. 30 a maund ...				120 0 0	
Earthen plates ...				4 0 0	
Wood ...				3 0 0	
					1,595 2 11
					1,595 2 11

MUHARRAM.	Amount.	Total.
	Rs. A. P.	Rs. A. P.
68 Kahars or tazya bearers	78 10 0	
2 Do. or stringholders of tazya ...	2 0 0	
Coolies for carrying takhtposh on matam mauzal day	0 8 0	
Coolie for carrying musjid taboot, etc. ...	10 0 0	
33 coolies for carrying nishan at 5 annas each	10 8 0	
Madrasi cloth for tying round their waist...	3 4 0	
55 coolies for carrying nishan at 5 annas each	17 3 0	
113 coolies for carrying small nishan at 4 annas each	28 4 0	
55 Abrak jhars to be carried by 100 coolies	31 4 0	
30 ditto ditto 30 coolies at 5 annas	9 6 0	
33 coolies for carrying nishan on mauzal day at 5 annas each	10 8 0	
Jhanjwala on elephant	0 8 0	
68 coolies for carrying nishan on mauzal day	21 4 0	
113 coolies ditto ditto at 4 annas each	28 4 0	
Coolies for carrying Abrak jhar in the pro- cession	100 0 0	
400 men peyada for pahra	50 8 0	
40 men ardali for matwali	5 0 0	
Thika ferrash, 198 men for illumination ...	42 10 0	
Ditto for abdarkhana	2 8 0	
Ditto 4 men for one month	8 8 0	
Ditto	3 14 0	
Tnika for distribution of sherbet ...	1 9 0	
Do. sakka	10 0 0	
Do. men for cutting the branches of trees on the road	5 0 0	
Bamboo and string for tazya, etc. ...	40 0 0	
Sadat-i-barah for supervising in the pro- cession	5 0 0	
Waredeen in Muhurram	1,514 0 0	2,070 4 0
		<hr/> 5,560 15 11
Khairat throughout the year	120 0 0	
Illumination of every night for 365 nights	365 0 0	
Miscellaneous expenses throughout the year	600 6 1	
Molazemin or establishment	7,442 0 0	8,527 6 1
		<hr/>
GRAND TOTAL		14,088 6 0

(Sd.) M. M. MASOOM.

(Sd.) HAJI ALI MUHAMMAD SHIRAZI.

No. 159 T.R., dated Darjeeling, the 1st May 1900.

From—F. A. SLACKE, Esq., Secretary to the Government of Bengal, Revenue Department.

To—The Members of the Committee of Management of the Hooghly Imambara.

With reference to your letter No. 50, dated the 17th March 1900, submitting, for the information of Government a copy of the scheme framed by Dr. Mirza Muhammad Masoom and Haji Ali Muhammad Shirazi, by which the annual expenses of the Imambara have been fixed at Rs. 18,800, I am directed to invite the attention of the Committee to the absence of any provision in the scheme for repairs and maintenance of the Imambara buildings and to enquire, in view of the orders issued in Government letter No. 716 T. R., dated the 11th October 1898, what changes are proposed in order to make the necessary provision for the purpose. I am at the same time to request that with the estimate a certificate by the Public Works Department officer, who makes the annual inspection ordered in paragraph 6 of that letter be forwarded certifying that the sum to be provided for repairs is sufficient for the purpose.

No. 160 T. R., dated Darjeeling, the 1st May 1900.

Memo. by—E. LISTER, Esq., Under-Secretary to the Government of Bengal, Revenue Department.

With reference to this Department memorandum No. 3399 L. R., dated the 19th November 1898, and subsequent correspondence, the undersigned is directed to forward to the Public Works Department of this Government the accompanying extract paragraph 6 of a letter No. 716 T. R.* dated the 11th October

*Will be found in the foregoing correspondence.

1898, to the members of the Committee of Management of the Hooghly Imambara ; and to request that necessary instructions may be issued for an annual inspection of the state of Imambara buildings by a competent Engineer to see that the necessary annual repairs are duly executed. This inspection may be utilised also for the purpose of granting the certificate which is required by Government order No. 159 T. R., dated 1st May 1900 (copy enclosed) to be submitted by the Committee of the Imambara along with their annual budget estimates.

No. 6 R. G., dated Chinsurah, the 8th May 1900.

Memo. by—C. J. S. FAULDER, Esq., Offg. Commissioner of the
Burdwan Division.

Copy of the following, with copy of enclosures, forwarded to the Chief Secretary to the Government Bengal, for the favour of orders.

2. I think it will be unfortunate. if the President's resignation takes effect, and would suggest that he be asked to reconsider it.

No. 6, dated Chinsurah, the 7th April 1900.

From—T. INGLIS, Esq., Local Agent, Hooghly,
To—The Commissioner of the Burdwan Division.

I have the honour to submit, for the information of Government, copies of two letters received from the Mutwali of the Hooghly Imambara, Nos. 133 and 139, of the 27th and 31st ultimo, respectively and their enclosures, in connection with the contemplated retirement of Mr. Justice Ameer Ali from the position of President of the Imambara Committee or Board of Trustees.

2. During the President's absence in England, a vacancy among the Trustees was filled up, and the majority of the Committee is now said to be hostile to the Mutwali. They have recently directed him to pay house-rent for that part of the Imambara occupied by his family, which he has never paid, and they also demand that certain rooms in the Imambara be set aside for their use, so that they may occupy them whenever they visit the Imambarah. On both points the President is opposed to the views of majority of the Trustees; and, as far as I am aware of the facts and circumstances, I agree with him. I consider that for the Trustees to set up a court of appeal inside the Imambarah (for that is what the second proposal seems to come to) would be most prejudicial to the good management of the Imambara, and detrimental to the authority of the mutwali. The mutwali is ready always to receive and put up the Trustees in his own quarters, and that is all that seems sufficient. I therefore think it proper to advise Government of what is taking place, and would suggest that, pending any enquiry that may be considered necessary, the President should be asked to remain at his post.

No. 133, dated Hooghly, the 27th March 1900.

Memo. by—SYED ASHRAFUDDIN AHMAD, Khan Bahadur, Mutwali of
the Hooghly Imambara.

Copy of the following forwarded to the Local Agent, Hooghly, for information.

No. 124, dated Hooghly, the 23rd March 1900.

From—MAULVI SYED ASHRAFUDDIN AHMAD, Khan Bahadur,
Mutwali of the Hooghly Imambara,

To—The Hon'ble the President of the Imambara Managing
Committee.

With reference to your demi-official letter of the 16th instant, I beg to state that, while I am extremely sorry myself to see that you have resolved to retire from the Chairmanship of the Imambara Committee after three weeks this time for good, I cannot, at the same time, help expressing to you the general regret that is felt by the people of this place at this unwelcome news of the unexpected resolution taken by you.

2. As far as I am acquainted with the Imambara management, under the supervision of the Committee, of which you are an ornament since 1876, I do not see from this on the whole, anything which can give cause of anxiety to any one interested for the good of the Imambara. All that is wanted at present, is to keep up the Imambara management, as far as possible, agreeably to the wishes and intentions of its noble founder, Haji Mohammad Mohsin. and on the just orders of the Government concerning it. It is necessary for me to recapitulate all the facts and statements, ever since Government was pleased to assume the Towliat of the Mohsin Endowment from 1835; but it is clear that by Government's connection, the general management of the said endowment had proved most beneficial to the Muhammadans in Bengal. But after the appointment of the Committee agreeably to the Act, XX of 1863, I, as the mutwali appointed by the Government (on the nomination of the late mutwali) in 1875, was called upon to manage the Imambara, under the supervision of the Committee; and I think, I have satisfied the Committee agreeably to their Nos. 97 and 98, of the 17th December 1896, in spite of the clamour of a certain clique, who, as everybody knows, wanted to discredit the Imambara management.

3. I may be further allowed to say that from 1876 the management of the institution was performed agreeably upon the old principal and practice observed by the late mutwali, and accepted by the Committee; but in view of the fact that you have resolved to sever your connection from the present Committee, I hope you will be pleased to reconsider certain questions in respect of the internal economy of the Imambara, in consultation with the members to avoid any future unpleasantness or friction between them and myself, or to define, once for all, the respective functions and duties of the Committee and the mutwali on the basis of the donor's will and the previous orders of the Government, as this question was raised by Nawab Syed Ahmad Ali Saheb at a meeting in September last.

4. I beg to inform you, in conclusion, that the last day of the motion to the High Court by the *ex-cashier* and his supporters is the 19th of April 1900.

No. 28, dated Calcutta, the 19th February 1898.

Memo. by—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President of the Committee of Management of the Hooghly Imambara.

Copy of the following forwarded to the Matwali of the Hooghly Imambara for his information.

No. 23, dated Calcutta, the 16th February 1898.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President of the Committee of Management of the Hooghly Imambara.

To—The Members of the Committee of the Management of the Hooghly Imambara.

Owing to great pressure of work which occupies all my time, I regret I am unable to remain any longer a member of the Committee of Management of the Hooghly Imambara; I beg, therefore, to tender my resignation with effect from the 28th of this month and request you to take early steps to fill up the vacancy in accordance with the rules.

No. 143, dated Calcutta, the 9th July 1898.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President of the Committee of Management of the Hooghly Imambara,

To—The Members of the Committee of Management of the Hooghly Imambara.

In view of your refusal to send the reply to Government, which you adopted at a formal meeting of the Committee, I am compelled to resign my place of the Committee of Management of the Hooghly Imambara with effect from this date.

2. Please make arrangement to fill up my place.

No. 144, dated the 9th July 1898.

From—THE HON'BLE JUSTICE MR. AMEER ALI, C.I.E., President of the Committee of Management of the Hooghly Imambara,

To—The Mutwali of the Hooghly Imambara.

I enclose herein a copy of my letter to the other members of the Committee, informing them of my resignation from the Committee of Management of the Hooghly Imambara and requesting them to take immediate steps to fill up the vacancy. I request you therefore in future to address your communications to Maulvi Delwar Hossain Ahmed, Khan Bahadur, at No. 102, Ripon Street.

Demi Official No. 151, dated Calcutta, the 13th July 1898.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E.,

To—The Matwali of the Hooghly Imambara.

I have to thank you for your letter, dated the 10th instant, in which you request me to continue on the Committee of Management. You hardly appreciate the difficulty of my position and the consequences resulting from the dilatoriness and obstructiveness of some of the other members. So I do not wish to place myself in a false position with respect to Government in consequence, of other people's conduct. I consider it my duty to withdraw from all connection with the Committee at this stage. I would advise you strongly to keep Maulvi Delwar Hossain Ahmed, Khan Sahib, Bahadur, on the Committee, and not to let him withdraw, and always to work him cordially. I have informed the Board of Revenue of my resignation, and shall send my letter to Mr. Finucane in the course of the day. You can write to Munshi Delwar Hossain Ahmed, Khan Sahib, Bahadur, your present Chairman, to hold the meeting at once to send a reply to Government.

Demi-official, dated Reform Club, Pall Mall, S. W., London, the 25th July 1899.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E.,

To—The Mutwallee of the Hooghly Imambara.

I beg to inform you that I have written to the Vice-Chairman of the Managing Committee of the Hooghly Imambara, and the other members to give effect to my resignation of my membership from the 23rd of March last, and to arrange at once to have the office removed from No. 9, Harrington Street. I request, you, therefore, to note the matter in your office.'

Extract from the letter of the 3rd February 1897, of the Hon'ble Mr. Justice Ameer Ali, C.I.E., addressed to Mr. M. Finucane, C.S.I., Revenue Secretary to the Government of Bengal.

I have been a member of the Committee over since its inception in 1876, and was also hitherto to exercise, with the assistance of my fellow members, the supervisory control vested in the Committee without any difficulty, and generally to maintain harmony between the two sects. A movement I do not wish to call it by any other name seems now to be on foot, to nullify my endeavours to keep the management on the old lines. At present there are two vacancies; but from the attitude of my fellow members and from letters received, I foresee there is no chance of securing the election of men of position and character, actuated by a sense of responsibility, from whom I can expect, and would be likely to receive support. I therefore find my position wholly untenable, and am compelled to place my resignation in the hands of His Honour.

Demi-official, dated Calcutta the 16th March 1900.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E.,
To—The Mutwali of the Hooghly Imambarah.

I am in receipt of your letter and telegram. It is impossible for me to go on working indefinitely on the Committee of Management as I cannot afford the necessary time required for the purpose. I have, therefore, made up my mind to retire as soon as possible, if I can see my way. I will wait for another fortnight or three weeks until the period of the motion you speak of is over.

No. 139, dated Hooghly, the 31st March 1900.

Memo. by—SYED ASHRAFUDDIN AHMED, Mutwallee of the Hooghly Imambarah.

Copy of the above communications with reference to the resignation question of the Hon'ble Mr. Justice Ameer Ali, C.I.E., M.A., President of the Imambara Managing Committee, submitted to the Local Agent for the information of the higher authorities in continuation of this office No. 133, of the 27th instant, with a prayer that the hon'ble gentleman be requested to remain on the said Committee until the matters are settled.

No. 539 T.-R., dated Darjeeling, the 26th May 1900.

From—F. A. SLACKE, Esq., Secretary to the Government of
Bengal, Revenue Department,

To—The Commissioner of the Burdwan Division.

I am directed to acknowledge the receipt of your memorandum No. 6 R. G., dated the 8th May 1900, submitting, for the orders of Government, copy of a letter, No. 6, dated the 7th April last, from the Local Agent, Hooghly, with copies of its enclosures, on the subject of the contemplated retirement of Mr. Justice Ameer Ali from his Presidentship of the Committee for the Management of the Hooghly Imambarah. In reply, I am to say that the Lieutenant-Governor desires to be furnished with a clear report on the whole dispute, with special reference to the points noticed below.

2. Looking to the correspondence of 1897, copies of which have been enclosed with the Local Agent's letter it appears to His Honour that Mr. Ameer Ali's present intention to retire has arisen out of the same causes (namely, the disputes between the two rival sects of Shia and Sunni) which led him to come to a similar determination that year. In his demi-official letter of the 16th March 1900, to the matwali, in which he expresses his final determination to retire from the Presidentship, Mr. Ameer Ali refers to a letter and a telegram which he received from him. As these may throw additional lights on his real intention to retire on the present occasion, I am to request that copies of them may be submitted with the report now called for.

No. 214, dated Hooghly, the 16th June 1900.

From—The Members of the Committee of Management of the
Hooghly Imambarah,

To—The Secretary to the Government of Bengal, Revenue
Department.

We have the honour to acknowledge the receipt of your letter No. 159 T. R., dated 1st of May last, and your reminder No. 712 T.R., of the 6th of June, and, in reply to state that as the Government required the Committee to submit along with its answer a certificate by the Officer of the Public Works Department showing the sum provided for repairs is sufficient for the purpose, we had to refer the subject to the Executive Engineer through the matwali, and we received his reply through the same channel only on the 7th instant.

With reference to the enquiry made by Government regarding the provision made in the scheme for the periodical repairs of the Imambarah, we beg to state that we had originally set apart a sum of Rs. 1,200 yearly for these repairs. Our idea was that they should be done every five years, and that for that purpose Rs. 6,000 would be amply sufficient. From the Executive Engineer's communication, however, it appears, these repairs should be done quadrennially and, in view of the amounts mentioned by him, we called upon the matwali to state what further retrenchment was possible in the expenditure of the Imambarah. From his report we find that it is impossible at present to reduce further the expenses beyond Rs. 600 a year, which would bring up the annual provision for the repairs to Rs. 1,800. The last repairs having been completed in October 1899, the next repairs will not be due until the beginning of 1904, when according to the present provision, we shall have saved Rs. 7,200. The figure mentioned by the Executive Engineer, however, appears to the Committee extremely high. Haji Ali Muhammad Khan Shirazi, one of the members, who has his own Imambara and who has considerable experience in the matters considers that Rs. 7,000 would be amply sufficient. In view of this fact and also of the fact that at present there is no room for further retrenchment, the Committee would ask the permission of Government to entrust the repairs to some private contractor, the work, when completed, being approved and passed by the official Engineer.

No. 2353, dated Calcutta, the 5th June 1900.

From—BABU ANNODA PRASAD SIRCAR, Executive Engineer, 2nd Calcutta
Division,

To—The Mutwali of the Hooghly Imambara.

With reference to your letter No. 223 of the 9th ultimo, I have the honour to state that Rs. 6,000 will not be sufficient for quadrennial

repairs to the Imambara buildings. If two coats of green and other paints be provided in the estimate as is usually done in quadrennial repairs to the Government buildings, then the cost would be about Rs. 10,000. By providing one coat of painting only the amount may be reduced to Rs. 8,000.

No. 285, dated Hooghly, the 6th June 1900.

Memo. by—SYED ASHRAFUDDIN AHMED, Mutwali, Hooghly Imambara.

Copy of the above forwarded to the members of the Imambara Managing Committee for information, with reference to their No. 150 of the 5th ultimo.

No. 17 R. G., dated Chinsurah, the 21st June 1900.

Memo. By the Officiating Commissioner of Burdwan Division.

Copy of the following, with enclosures, forwarded to the Secretary to the Government of Bengal, Revenue Department, with reference to his letter No. 539 T. R., dated the 26th May last, with the remark that the Local Agent approves of the Mutwali's proposals and that I also am of opinion that he deserves support. The demand for rent from the Mutwali for his quarters required by the Committee should be overruled, and their request for two rooms for their own use should be disallowed. They should also be ordered to abstain from interfering in the petty details of executive management of the Imambara.

No. 305, dated Hooghly, the 20th June 1900.

From—SYED ASHRAFUDDIN AHMAD, Khan Bahadur, Mutwali of the Hooghly Imambara.

To—The Local Agent of Hooghly.

In compliance with your No. 50, of the 9th instant, forwarding a copy of Government order of the 26th May 1900, I beg leave to submit my report as follows :—

I was appointed Matwali in June 1875. A committee of five members—all Shias—was appointed in January 1876. Syed Ameer Ali was an original member, and always presided, and had charge of the Committee's office.

On my appointment to the Matwaliship, I found that among the employes of the Imambara, Shias and Sunnis were happily blended together, the former monopolising the religious posts, and the latter manning the ministerial ones. The relation between the two sects was at that time all that could be desired, and they remained harmonious till 1895, when some ill-feeling arose from the *Belafast* question. The difference was, however, settled by orders issued by the Commissioner, Mr. Bourdillon. Since this occasion a party among the Shia electors has been dissatisfied with me, considering that I showed too much toleration towards the Sunnis. Mr. Justice Ameer Ali was then on leave in England, and the remaining Trustees were quite indifferent and unsympathetic towards me.

In April 1896, a vacancy having arisen in the Management Committee by the death of Prince Sir Jehan Qadr Mirza Bahadur, K.C.I.E., Mr. Justice Ameer Ali wished that an able man should be appointed by election, according to the Government rules of 1865, and a day was fixed for it. He was, however, too busy to attend, and the remaining members of the Committee possibly expecting that the majority of the electors, who are Sunnis, would elect a Sunni, absented themselves from the election, which was consequently

put off, and, under the rules, the matter was referred to the District Judge who appointed Mirza Mohammad Masoom Sahib in December 1896. Mr. Ameer Ali's No. 52, dated the 2nd July 1896, to the Government and his No. 66, dated the 23rd July 1896, to me, copies of which are enclosed, marked A, will fully explain the state of affairs then existing. After this vacancy was filled up, two other

1. Late Prince Furrakh Shah members, noted in the margin, died one
Sahib.

2. Nawab Delwar Jung Bahadur, C.S.I.

after another in the month of December 1896, and recourse was had to election for filling up the vacancies. Mr D. H. Ahmed, Khan Bahadur, then a *Mutazali* and Haji Ali Mohammad Khan, *Shirazi*, a Shia, were duly elected in February 1897. Before election took place, however, Mr. Justice Ameer Ali, apprehending that it would not come off as desired by him, and finding himself in a false position, tendered his resignation (*vide* his No. 20 of 3rd February 1897, a copy of which is enclosed herewith, marked B). The majority of the voters being Sunnis, and the above two gentlemen elected by their votes, he was persuaded by the Committee to withdraw it. The appointment of Mr. D. H. Ahmad in the Committee enraged the Shia community which considered him a Sunni and attempted to nullify the election first by petitioning the Government, and, not being satisfied in that quarter, by setting up two *ex-employés* of the Imambara to institute a suit in the Civil Court for that purpose. The Civil Court decided against them, and went even to the extent of remarking that a Sunni can be appointed as a member of the Committee. Agha Mohammad Ali Shostari retired in April 1899, and no election taking place, the Judge appointed Nawab Ahmad Ali his father-in-law, a strict Shia. During this period Mr. Justice Ameer Ali was again in England. His present determination to retire is the result of the continuous opposition and want of sympathy on the part of his fellow members which he has of late experienced. In deference to His Honour's desire contained in paragraph 2 of the abovementioned order. I beg leave to submit a copy of the telegram, marked C., which I sent to Mr. Ameer Ali, but, regret to say that no copy of the letter was kept, as it was a private one. As far as I remember, I requested him therein to continue in his office till the points referred to by the Local Agent in paragraph 2 of his letter No. 6, dated the 7th April 1900, were settled, and until the period of the motion to the High Court by the two *ex-employés* of the Imambara against me and the Committee was over. Those points, which are the only definite matters now in dispute, are as follows :—

The payment of rent by me for my family quarters and the setting apart of a special room for the members whenever they visit the Imambarah on duty.

With reference to paragraph 3 of the Government order, I beg to state that my request to the Local Agent to retain Mr. Justice Ameer Ali in the Committee till the settlement of the dispute between me and the three members of the Committee referred (besides the points mentioned in my No. 124, of 23rd March 1900, to Mr. Justice Ameer Ali) to having the powers and functions of the Matwali and the Trustees,

respectively, defined and accurately laid down, a copy of which was also sent to the Local Agent for information with my No. 133 of the 27th March 1900.

With reference to the difference between me and the majority of the Trustees regarding the payment of rent for my family quarters and the setting apart of certain rooms in the Imambara for the use of the members, the facts are as follows :—

At a meeting of the Committee held on the 10th of March 1900, it was moved that the Matwali be asked to pay the rent for the house occupied by him for his family; and though the motion was opposed by the President and the Vice-President, it was carried by the three other members of the Committee. Again, at a meeting of the Committee held on the 22nd April 1909, it was resolved that a room in the Imambara be set apart for the use of the members whenever they choose to visit Hooghly on duty. Being dissatisfied with these two resolutions of the Committee and finding that the relation between me and the Committee is likely to become more acute after the contemplated retirement of Hon'ble Mr. Justice Ameer Ali, I represented the matter to the Local Agent, at the same time requesting that Mr. Ameer Ali may be asked to remain on the Committee until these two points of dispute between me and the Committee were finally settled; and with a view to avoid further friction and unpleasantness in future, to define the powers and functions of the Matwali and the Committee, so that the latter may not interfere in the internal administration of the Imambara, as for example, with the appointment and dismissal of the Imambara servants down to the dictating of the minutest details of the management, beyond exercising supervisory control over the accounts as they used to do before.

As for the reasons of Mr. Ameer Ali's coming to a determination to resign from the Committee this year, Government is right in thinking that they are due to a dispute between the two rival sects, the Sunnis and the Shias as in 1897; with this addition that in consequence of the continuous opposition and frequent disunion among the members themselves, as appears in the letters duly forwarded to you for the information of Government, he does not receive the same sort of support which he received and expected to receive, from them. Finding his position, therefore, untenable, he wishes to sever his connection from an institution which, instead of valuing his long services, always thwarts him and puts difficulty in the way of his reconciling the rival sects to live in peace and harmony.

My contention is that I am occupying the house with the knowledge of the Trustees, for the last 24 years without paying any rent. The donor—I mean the late Matwali who purchased the house—himself occupied it without paying any rent, even after dedicating it to the Imambara. It is within the Imambara enclosure; and he most probably purchased it with a view that it may serve the purpose of family quarters of the Matwalis, no outsider being expected to live within the enclosure, and, therefore, I claim to occupy it so until the matter is decided by Government. The President and the Vice-President both favour my claim, while the rest of the Trustees hold

different views from them, as would appear from an extract of the proceedings of the Committee which runs thus :—

“Proposed by the Hon’ble Vice-President, that, in consideration of the fact that the wakf-namah of the late matwali is vague on this point, and in view of the further fact that the present matwali was nominated by the late matwali and that it was on this ground that the members of the Committee of Management previously had decided that, so far as the present matwali was concerned, during his incumbency he should not be required to pay any rent, a resolution be recorded that the succeeding matwali should pay a rent. This was seconded by the Hon’ble President: before this an amendment was moved by Nawab Syed Ahmad Ali Sahib, Khan Bahadur, to the effect that the matwali be requested to pay some rent from 1st April 1900. This was supported by Dr. M. M. Masoom Sahib and Haji Ali Mohammad, Khan Sahib, Shirazi. The amendment was accordingly carried. The rent was fixed at Rs. 8 a month to be paid by the matwali during his life time.”

The setting apart of two rooms in the Imambara is also objected to by me and by the Local Agent, who, in paragraph 2 of his letter No. 6, of 7th April 1900, addressed to the Commissioner of the Burdwan Division, wrote as follows :—

“The majority of the Committee is now said to be hostile to the matwali. They have recently directed him to pay house-rent for that part of the Imambara occupied by his family, which he has never before paid, and they also demand that certain rooms in the Imambara be set aside for their use, so that they may occupy them whenever they visit the Imambara. On both points the President is opposed to the views of the majority of the Trustees, and, as far as I am aware of the facts and circumstances, I agree with him. I consider that for the Trustees to set up a court of appeal inside the Imambara (for that is what the second proposal seems to come to) would be most prejudicial to the good management of the Imambara and detrimental to the authority of the mutwali. The mutwali is ready always to receive and put up the Trustees in his own quarters and that is all that seems sufficient. I, therefore, think it proper to advise Government of what is taking place, and would suggest that, pending any enquiry that may be considered necessary, the President should be asked to remain at his post.”

In conclusion, I earnestly and respectfully request the Government and hope that, besides deciding the points above referred to, His Honour will be graciously pleased to define and settle, once for all, the respective powers and functions of the matwali and the Trustees, with a view to avoid further friction and unpleasantness between them which will surely become acute after the contemplated retirement of the President. It should be clearly laid down whether the Trustees are only to exercise a supervisory control over the affairs of the Imambara, or to interfere in the internal economy and management of the Imambara and the executive power which Government has been graciously pleased to vest in me.

A.

Demi-official No. 66, dated Calcutta, the 23rd July 1896.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E.,

To—The Mutwali of the Hooghly Imambara.

I have the honour to acknowledge the receipt of your letter No. 231 of the 17th instant, and, in reply, to state that the law provides that if the Committee do not proceed to have the vacancy filled up by election in the course of three months from the date of the vacancy, the District Judge shall have the power of appointing any one he considers fit. I am afraid, therefore, the Committee have no further voice in the appointment of a member, and must let the law take its course.

2. I think it right to inform you that my last communication addressed to the members of the Committee was utterly ignored by Nawab Syed Asghar Ali and Syed Mohammad Ali Shustri, but Prince Mohammad Furrukh Shah alone replied to it. This act of discourtesy makes it difficult for me to work with them any longer. I am taking steps to bring the matter to the notice of Government; and unless something is done to remedy the evil which results from the disunion existing among the members, I shall be compelled to send in my resignation.

A.

No. 52, dated Calcutta, the 2nd July 1896.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President
of the Committee of the Hooghly Imambara,

To—The Chief Secretary to the Government of Bengal.

I have the honour to forward herewith, for the information of His Honour the Lieutenant-Governor, copies of all correspondence and papers connected with the election of a member to the vacancy caused on the Committee of Management of the Hooghly Imambara by the death of the late Prince Mirza Jehan Qudr. Under the rules framed by the Government in 1865, one member at least of the Committee of Management is required to be present during the election. My work in Calcutta, as His Honour knows, makes it impossible for me to attend. Prince Mohammed Furrukh Shah informs me that ill-health prevents his attendance, and Nawab Syed Asghar Ali after several requests, has simply noted that he is unable to attend. And the remaining member, Syed Agha Mohammad Ali Shustari, has not given any intimation one way or the other. Under the circumstances, I am afraid the election fixed for the 5th at the Hooghly Imambara will prove a total failure. I feel it, therefore, my duty to inform Government of the proceeding hitherto taken, in order that it may take such steps as it may consider expedient, and especially to remove the dead-lock which seems imminent.

B.

No. 20, dated Calcutta, the 3rd February 1897.

From—THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E., President of
the Committee of the Management of the Hooghly
Imambara,

To—The Secretary to the Government of Bengal, Revenue
Department.

I have the honour to request you to be good enough to place my resignation of the membership of the Committee of Management of the Hooghly Imambara before His Honour the Lieutenant-Governor with effect from the 15th instant.

2. I have been a member of the Committee ever since its inception in 1876, and was able hitherto to exercise with the assistance of my fellow members, the supervisory control vested in the Committee without any difficulty and generally to maintain harmony between the the two sects. A movement—I do not wish to call it by any other name—seems now to be on foot, to nullify my endeavours to keep the management on the old lines. At present there are two vacancies, but from the attitude of my fellow members and from letters received, I foresee there is no chance of securing the election of men of position and character actuated by a sense of responsibility from whom I can expect, and would be likely to receive, support. I, therefore, find my position wholly untenable and am compelled to place my resignation in the hands of His Honour.

3. In conclusion, I would beg the Government to prevent the Committee from dismissing, after my retirement, the two clerks now working in the Committee's office. One of them has been in the service of the Committee for 15 years and the other for 2 years, and both are trustworthy and capable servants. But as they happen to be Sunnis, I am afraid of an attempt to dismiss them.

C.

Telegram, dated the 14th March 1900.

From—Hooghly,
From—Mutwalli,

To—Calcutta.
To—Hon'ble Syed Ameer Ali, C.I.E.

Local Muhammadaus earnestly beg of you to postpone your resignation from Committee.

D.

Name.	Date of appointment.	Qualifications.	REMARKS.
1. Hon'ble Mr. Justice Ameer Ali, C.I.E., of Calcutta	26th January 1876 (by Government order).	President of the Imambara Managing Committee and most experienced and oldest member of the Committee. Is of the Mutazoli sect.	Was made a defendant in the case brought by Mirza Mohammad Wasi, the ex-employé set up by the Shias, Mogals, and others to set aside the election of Mr. D. H. Ahmed, Khan Bahadur, and Haji Ali Mohammad Khan, Shirazi.
2. Maulvi D. H. Ahmed, Khan Bahadur, of Calcutta.	February 1897 (elected by the election of February 1897)	Vice-President of the Managing Committee. Formerly he was a Sunni, but he became a Mutazoli and thus follows Mr. Ameer Ali's persuasion.	The Shias objected strongly to his appointment and set up Mirza Mohammad Wasi to set aside the election through Civil Court. He was made, therefore, the Chief defendant.
3. Haji Ali Mohammad Khan, Shirazi, of Calcutta.	February 1897 (by election).	Member of the Managing Committee. Is a strict Shia.	The Shias set up Mirza Mohammad Wasi to set aside his election through Civil Court. He was made second defendant.
4. Dr. Mirza Mohammad Masoom of Calcutta.	December 1896 (by the order of the District Judge of Hooghly).	Ditto ditto	Is a private practitioner in Calcutta and married in the Mogal community. Was also made a defendant to set aside the election of Maulvi D. H. Ahmed and Haji Ali Mohammad Khan, Shirazi.
5. Nawab Syed Ahmed Ali of Calcutta.	September 1899 (by the District Judge of Hooghly).	Ditto ditto	Father-in-law of Agha Syed Mohammad Ali Shustari, who resigned in April 1899, and in whose place, in consequence of the non-attendance of the members for holding an election the District Judge made this appointment.

F.

No. 127, dated Hooghly, the 23rd March 1900.

From—SYED ASHRAFUDDIN AHMED, Mutwalli of the Hooghly Imambara,

To—The Members of the Imambara Managing Committee.

In continuation of this office letter No. 90, dated 21st February 1900, and with regard to the views taken by some members of the Committee in opposition to that of the President and the Vice-President of the Committee that the Mutwalli should be asked to pay rent for the house occupied by him, from time to time, for his family, I have the honour to observe that as the question of the payment of rent has been once decided by the late learned Judge, Mr. Bradbury, in his order of the 7th December 1896, when disposing of the first application of Mirza Mohammad Wazi and Mirza Asghar Ali, which contains certain allegations, one of which was that the mutwali does not pay any rent for the house occupied by his family adjoining the Imambara and the Committee has agreed with that decision and in their office memorandum of the 24th November 1897, to the Board's endorsement of the 18th November 1897, and also in their No. 98 of the 17th December 1896, informed the Government of it. I, therefore, do not think it judicious that the Members of the Committee should now reopen the question, and thus overrule the decision passed thereon by a competent Civil Court.

2. Moreover, the fact that the late Mutwali, Syed Keramat Ali, after he had dedicated and incorporated this house with the property of the late Haji Mohammad Mohsin, on the basis and terms mentioned

in the latter's will, himself occupied it without payment of any rent, and after I had succeeded him in July 1875, allowed me to occupy it free of rent, goes to show that since the donor of the house in his life-time occupied it for his own use and never demanded rent from me for it, it would not be just for the Committee to demand it now from me after 24 years of its occupation by me without paying any rent. Besides, as the house is situated so close to the Imambara buildings as to make it a part and parcel of it, the intention of the late Mutwali appears to have been the house be used as the family residence of the Mutwallis of the Hooghly Imambarah.

3. Apart from this as the Hon'ble Mr. Justice Ameer Ali, C.I.E., the President, and the Hon'ble Maulvi D. H. Ahmad, Khan, Bahadur, the Vice-President, observed in the last meeting that the house which I am occupying for my family since the life-time of the late Mutwali should be allowed to remain in the Mutwali's occupation without payment of any rent I, therefore, hope that the remaining members of the Committee would be pleased to reconsider the matter in consultation with their Hon'ble President who is the oldest and most experienced member of the Committee or refer it, if necessary, to Government before the retirement of the Hon'ble Mr. Justice Ameer Ali from the Committee.

N.B.—This was forwarded to the Local Agent with this office No. 165 of the 19th April 1900, in continuation of this office Nos. 133 and 139 of the 27th and 31st of March 1900 for information.

[

No. 121, dated Hooghly, the 23rd March 1900.

From—SYED ASHRAFUDDIN AHMAD, Mutwali of the Hooghly Imambara,
To—The Members of the Imambara Committee.

Understanding that some of the members of the Imambara Managing Committee desire that certain rooms in the Imambara be reserved for their use whenever they choose to pay a visit here, I have the honour to observe that unless the Committee's office, with a view to economy, is removed from Calcutta to the Hooghly Imambara, I regret I am unable to place any rooms at their sole disposal. But the members are quite welcome to stay with the mutwali in the Imambara whenever they call for the purpose of examining the accounts and of seeing the papers, etc. This practice was observed by the former members of the Committee, and I see no reason why the present members should find any objection in adopting the same course.

H.

Extract from the proceedings of a meeting of the Imambara Managing Committee held in Calcutta on the 22nd April 1900.

Paragraph 5.—“Letter No. 121, of the 23rd March 1900, from the Mutwali of the Hooghly Imambara, was laid before the Committee. Resolved that as some members of the Committee are frequently in the habit of visiting the Imambara in the discharge of their duties, it is desirable that they should have a separate room in the Imambara premises in which they may be able to do their duties properly. It was unanimously resolved that the mutwali be requested to make arrangements to place one room in Imambara at their disposal.”

No. 1185 T.—R., dated Darjeeling, the 3rd July 1900.

Memo. by—E. LISTER, Esq., Under-Secretary to the Government of Bengal, Revenue Department.

In forwarding herewith the accompanying copy of the communication noted on the margin, and of its enclosures

^oLetter No. 214, dated the 16th June 1900, from the members of the Hooghly Imambara Management Committee, addressed to the Government of Bengal, in the Revenue Department, with enclosures.

^o See foregoing papers.

on the subject of the repairs to be carried out in the Hooghly Imambara, the Public Works Department of this office is requested to be so good as to call for a detailed estimate of the expenditure for the purpose from the Executive Engineer and favour this Department with an expression of their opinion on the same, as to whether it is moderate or otherwise.

No. 2629, dated Calcutta, the 25th July 1900.

From—E. LISTER, Esq., Under-Secretary to the Government of Bengal,
Revenue Department,

To—The Commissioner of the Burdwan Division.

I am directed to acknowledge the receipt of your memorandum No. 17 R.—G., dated the 21st June 1900, with its enclosures, which narrates the circumstances that have led to the existing strained relations between the mutwali and the majority of the members of the Committee for the Management of the Hooghly Imambara.

2. In reply, I am to say that the Lieutenant-Governor is much concerned at the evidence which the report furnishes of a lack of harmony between the Committee and the matwali. His Honour is deeply interested in the prosperity of an institution of so much beneficence and value to the Muhammadan community in Bengal, and thinks it but too obvious that lack of harmony in the management must impair its success. Personally, His Honour considers that matters of the kind now reported to form the grounds of dispute are hardly of sufficient importance to justify interference with arrangements of very old standing; but apparently it would now be in the interest of the Imambara and promote the maintenance of those good relations between the matwali and the Committee, upon which the prosperity of the institution depends, if their respective functions were defined by rules.

Memo. No. 3854 B, dated Calcutta, the 3rd September 1900.

From—B. K. FINNIMORE, Esq., Offg. Under-Secretary to the Government of Bengal, Public Works Department,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to Revenue Department memorandum No. 1185 T.—

Rs. 10,000. R., dated the 3rd July 1900, the undersigned

has the honour to forward the accompanying detailed estimate* prepared by the Executive Engineer, 2nd Calcutta Division, of the probable cost of quinquennial repairs to the Hooghly Imambara buildings.

2. A copy of a letter No. 4639, dated the 27th August 1900, from the Superintending Engineer, Central Circle, is enclosed.

No. 4639, dated Calcutta, the 27th August 1900.

From—The Superintending Engineer, Central Circle,

To—The Chief Engineer, Bengal.

With reference to your letter No. 2988 B., of 14th ultimo, on the subject of probable cost of quadrennial repairs to the Hooghly Imambara buildings, I have the honour to forward herewith an

Rs. 10,000. estimate* prepared by the Executive Engineer 2nd Calcutta Division, of probable cost of the

quinquennial repairs to the building referred to above, and am of opinion that the Imambara cannot be kept in a proper state of repair for a less sum than the amount estimated as required by the Executive Engineer.

No. 1802 T.-R., dated Darjeeling, the 21st September 1900.

From—F. A. SLACKE, Esq., Secretary to the Government of Bengal,
Revenue Department,

To—The Members of the Committee of Management of the Hooghly
Imambara.

With reference to your letter No. 214, dated the 16th June 1900, on the subject of the repairs to be carried out in the Hooghly Imambara, I am directed to say that there is no objection to the proposal of the Committee to arrange for the repairs of the Imambara buildings themselves, on the condition that when the work is completed, it should be approved by officers of the Public Works Department. The Imambara buildings will continue (under the orders conveyed in paragraph 6 of Government letter No. 716 T. R., dated 11th October 1898) to be annually inspected by an officer of the Public Works Department.

2. I am to point out that there appears to be a miscalculation in your letter with regard to the provision of funds for the repairs of the Imambara buildings. You say that Rs. 1,800 a year can be found for the repairs, and add that they were executed last in 1899, and will be again due in 1904 by which time you would have saved Rs. 7,200 ($1,800 \times 4$). I am to say that, if repairs are completed in 1904, the interval will have been five years and the Committee will have saved Rs. 9,000.

Memo. No. 1803 T.-R.

Copy, with copy of the letter to which it is a reply, forwarded to the Commissioner of Burdwan for information.

Memo. No. 1804 T.-R.

Copy, with copy of the letter to which it is reply, forwarded to the Public Works Department of this Government for information, in continuation of this Department's memorandum No. 160 T.-R., dated 1st May 1900.

By order of the Lieutenant-Governor of Bengal,

(Sd.) E. LISTER,

Under-Secretary to the Government of Bengal.

DARJEELING,

The 21st September 1900.

No. 47 R.G., dated Chinsurah, the 30th September 1900.

From—C. J. S. FAULDER, Esq., Olg. Commissioner of the
Burdwan Division,

To—The Secretary to the Government of Bengal, Revenue
Department.

With reference to your No. 2629 of 25th July 1900, I have the honour to forward, in original, a representation from the Mutwali of the Hooghly Imambara forwarded to me by the Local Agent.

2. It appears to me, after careful study of the law applicable, viz., Regulation XIX of 1810, and Act XX of 1863, that neither the Committee nor the Government have any power to make rules as to the relations of the Mutwali and the Committee; they depend on the two enactments quoted, in neither of which is any power given to either the Committee or Government to make rules binding on the Matwali.

3. The Mohsin Fund falls under section 21 of Act XX coupled with section 7; it is a case of an endowment in the appointment of the Superintendent of which Government exercises control, devoted partly to secular and partly to religious uses; under section 21 the Board of Revenue and the Local Agents retain their functions and powers under Regulation XIX, as regards the secular portion, but as regards the religious portion they are transferred to the Committee. It is thus not clear why the Local Agent or Commissioner, or Government itself continue to exercise control over the affairs of the Imambarah.

4. As to the powers of the Committee, Act XX, section 7, transfers to it all the powers exercised by the Board of Revenue, the Commissioner, and the Local Agent under Regulation XIX. Except, perhaps, the power to call for accounts from the Superintendent, Act XX gives to the Committee no powers not previously exercised under Regulation XIX by the Board of Revenue and Local Agents; it, therefore, has to be seen what powers those officers exercise under the Regulation.

5. Under section 2 "the general superintendence of all lands granted for pious and beneficial purposes and of all public buildings is hereby vested in the Board of Revenue." Under section 3, it was "the duty of the Board to take care that all endowments be duly appropriated for the purpose for which they were destined to provide for the due repair and maintenance of all public edifices"; under section 5 "to prevent any lands which have been granted for the support of establishments from being converted to the private use of individuals or public edifices from being usurped by individuals. Under section 10 the Local Agents are required to ascertain and report

to the Board cases calling for interference; and, under section 11, to report the names of superintendents in charge and whether they have obtained their position by proper authority; under section 12, they were to report vacancies and how they should be filled, and (section 13) in cases in which Government appoints, they were to propose a proper successor; under section 14, the Board on receipt of the report were either to appoint the person nominated or "make such other provision for the trust, superintendence, and management as may be right."

6. It thus appears that the powers given to the Board were the management of the landed property and so much supervision of the expenditure of the income by the superintendent as might ensure that the money was spent on the objects for which the Trust was created. It is remarkable that no powers are specifically given to the Board by the regulation to remedy any misuse of the funds either by dismissing the Superintendent or by interference in any other way in his management; that being so, the Board presumably could only obtain redress like a private person, by a civil suit under section 15 or by withholding the revenue. It is quite clear that it was never intended that the Board should exercise minute supervision and control over the details of the management of the religious institution provided there was no clear misuse of the fund; the Committee, therefore, can have no such power; the Mutwali, as Superintendent of the religious institution, must manage it, as he thinks fit, subject to liability to a suit against him under section 14 of the Act, which takes the place of section 15 of Regulation XIX; he must allow the Committee powers of inspection, and must submit to them his accounts so as to enable them to judge whether they should take steps under section 14, but he does not seem bound to accept their orders nor do they seem to have any power to enforce or therefore, to pass any.

7. The correspondence, of which the Mutwali has submitted copies, clearly shows that in the present case, the Board did not exercise minute control over the management of the religious institution, and that Government did not consider this one of its proper functions; the Matwali was allowed full power to exercise his own discretion; Government obviously had no intention of interfering unless there should be any case of positive misuse of the funds. The Committee is in the place of the Board, and cannot claim to meddle in the details of the management, the Board having repudiated any intention of doing so.

8. The rules passed by the Committee in 1897, of which the Matwali has submitted a copy, are for the most part harmless and even useful, but they are, in some cases, if my interpretation of the law is correct, invalid, especially rule 6 (which is, however, reasonable) rule 7 (which is probably not binding on the Matwali, though the Civil Court might consider the action by implication prohibited a breach of duty by the Matwali), rules 8, 10, (which are clearly not binding on the Matwali), rules 15 and 16 (which are superfluous as

as merely reciting the law) and rule 17 (which implies that a right of interfering in promotions belongs to the Committee which it does not possess).

9. The rules which the Matwali proposes are all superfluous, and no one seems to have authority to sanction them; an expression of opinion on the part of Government upon the principles which, they assert, would, however, be useful as a check upon future doubts and disputes. I give below my own opinion upon each.

10. As to rule 1, most of it simply recites what the law has already provided for. As to the succession, it might be argued from section 14 of the Act that the powers of the Board having by section 7 devolved upon the Committee, it is now for the Committee, not for Government, to confirm the Matwali's nomination of his successor; it is not quite clear whether Act XX intended to transfer to the Committee the Government right to nominate; section 7 seems exhaustive, but section 12 is not. In the case, however, of the Hooghly Imambarah, a right on the part of the Committee to supersede Government in the confirmation of the Mutwali's nomination has never been asserted, much less exercised; it has always been the practice for the Matwali to nominate his successor subject to Government confirmation, and I do not suppose any deviation from the previous practice would be allowed; the deed of the founder may be taken to support the practice, whatever interpretation may be put upon the law; under the deed, there were to be two Matwalis, each of whom was to appoint his successor; Government at a very early period ejected both and assumed the position of Matwali itself; the Matwali in charge has always since been merely a deputy of Government; the case does not, therefore, seem one in which any function under section 14 of the Regulation has descended to the Committee; there is a permanent Superintendent in the shape of Government, and as to its deputy, the Committee has no concern.

11. Rule 2 is superfluous; the Committee has clearly no right to interfere in the details of the management of the institution or in the appointment or dismissal of its employés.

12. Rule 3 would be illegal. If any controversy arises, the only authority competent to decide upon it is the Civil Court in a suit under section 14. The Matwali, if he is unwilling to accept the advice of the Committee, is not bound to do so; the only remedy of the Committee is to satisfy the Civil Court under section 14 that the Matwali's action is harmful and calls for its interference.

13. Rule 4, as to whether the Matwali should pay rent for its quarters or as to whether (to refer to another bone of contention) the Committee should be allowed to use a room in the Imambarah as its Court, these seem to me questions connected with the detailed management of the building as to which the Committee can pass no orders upon the Matwali but which the Matwali must decide subject to a suit; as he has never paid rent, it is not likely that the Civil Court

would hold his omissions to do so to amount to a misfeasance justifying its interference.

14. Rule 5. Government has no concern with the Matwali's leave or absence nor has the Committee; the Matwali is not bound down by any rule as to leave, and may suit himself as to his absences from Hooghly, subject to suit by the Committee for neglect of duty if his absences are unreasonable or harmful to the Imambarah.

15. Rule 6. The Matwali accords in this rule to the Committee a power which they do not possess; they have no power to frame budgets or to prescribe allotments from the Imambarah revenues for any kind of expenditure. As to costs in suits, the Matwali must exercise his own discretion in paying them; it is for Government to decide whether costs in any case can be paid from the secular share; the Matwali may clearly pay costs incurred in suits connected with the Imambarah management or in the defence of suits brought against himself under section 14 from the Imambarah share subject to a further suit under section 14, if he incurs such costs improperly.

16. Rules 7 and 8 are matters for the decision of the Committee.

No. 447, dated Hooghly, the 22nd August 1900.

From—SYED ASHRAFUDDIN AHMED, Matwali of the Hooghly Imambarah,

To—The Local Agent, Hooghly.

In continuation of my No. 305 of the 20th June 1900, I have the honour to inform you, for the information of the higher authorities that acting on the suggestion of the Divisional Commissioner, I formally, *vide* my demi-official No. 399 of the 8th instant, applied to the Hon'ble the President of the Imambarah Managing Committee for his co-operation with regard to the new rules which are to be framed for the management of the Imambarah in future, and in which I submitted to him (the President of the Committee) certain suggestions apart from the rules already enforced in the Imambarah by the Committee themselves since March 1897, and which I then accepted. Copy of the Committee's Rules of 1897 is

^o*Vide* foregoing papers. annexed, marked A, and copy of my new suggestions on the said rules is also annexed, marked B, while copies of the official papers, Government orders, and the will* of the Donor are annexed, marked C and D.

It now appear that Mr. Justice Ameer Ali wishes to frame his own rules independently of the above, and as he has not been pleased to consult me about them, nor he has replied to my demi-official No. 399 of the 8th instant, I see no alternative but to submit my own suggestions to Government through you and the Divisional Commissioner, with a hope that the authorities may be graciously pleased to take this matter once for all under their kind consideration at an early date.

Demi-official No. 399, dated Hooghly, the 8th August 1900.

From—**SYED ASHRAFUDDIN AHMED**, Mutwalli of the Hooghly Imambarah,

To—**THE HON'BLE MR. JUSTICE AMEER ALI, C.I.E.**, President of the Imambarah Managing Committee.

As suggested by the Divisional Commissioner, I beg leave to write and ask your advice and suggestions with regard to some rules which are likely to be adopted in the management of the Imambarah in future. You are aware of the feelings that now unhappily exist amongst some of the members of the Committee, and I, knowing your friendly attitude and impartial and sound judgment, venture to suggest certain rules regarding the internal management and economy of the Imambarah, and beg the favour of your approval and such additions and corrections as you may deem proper, keeping in view the contents of the Donor's Will and the Committee's own rules framed in March 1897.

An early reply will greatly oblige.

ANNEXURE A.

Hooghly Imambarah Committee Rules of 1897.

The following rules and principles upon which the supervisory control of the Imambarah vested in the Committee of Management, has hitherto proceeded are unanimously adopted for future guidance :—

I. That the register kept in the Imambarah of the persons entitled to participate in the benefits of the institution, or who are in the habit of attending at the festivals and ceremonies performed there, shall be revised six-monthly by a Sub-Committee, assisted by the Mutwalli. But no person whose name is at present on the register shall have his name removed from the register without being allowed an opportunity to show cause before the Committee; any such application to be submitted to the Trustees through the Mutwalli.

II. That all the servants of the Imambarah of the Muhamminadan faith shall be entitled to be on the register.

III. That in future all persons ordinarily residing at Hooghly or Chinsurah, and in the habit of attending the Imambarah and the rites, feasts and ceremonies performed there, shall have their names entered in the register. A person who does not ordinarily reside at Hooghly or Chinsurah, but who has attended the Imambarah one Thursday every month, for six months, consecutively, and has also attended the Mohurru and Romzan ceremonies in the same year, unless found by the Mutwalli to be otherwise disqualified, shall have his name placed in the register.

IV. In future any person discontinuing to attend the Imambarah for six months, unless for any sufficient cause shall be liable to have his name expunged from the register.

V. That the Mutwalli shall keep a register of attendance in charge of a responsible officer whose duty it will be to note the attendance of persons in the habit of attending the institution, and the Mutwalli shall examine the attendance book to see that it is kept correctly.

VI. That the Mutwalli shall attend the meeting of the Committee and shall act as a Secretary thereto.

VII. That the Zakerin and all persons concerned with the actual performance of the rites and ceremonies, shall be of the Shia faith.

VIII. That in case of any vacancy in the sherista and there being two applicants found, upon departmental examination, to be equally competent in the subject necessary in the Imambarah and of equally good character, preference should be given to the Shia candidate, if any.

IX. The accounts shall be examined and audited by two members of the Committee, and a copy of their report shall be sent to the District Judge of Hooghly yearly, with a request that it may be filed in his office.

X. That any servant of the Imambarah dismissed for misconduct, insubordination or neglect of duty, or breach of trust, shall be excluded from participating in the benefits of the institution and his name shall be expunged from the register.

XI. That failure on the part of any member to attend the consecutive meetings of the Committee (unless such failure is due to illness or absence from the town) shall be taken to account to vacating the membership, and such member shall be reported to Government, to the District Judge and the Local Agents as having vacated his membership.

XII. All communications issued from the office shall be absolutely confidential.

XIII. That the clerks attached to the Committee's office shall be entirely under the control of the Chairman or the member in charge of the office.

XIV. That all complaints in respect of the Imambara should be made in writing to the Committee as a body, and should be submitted through the Mutwalli in order to enable him to report thereon, but should the complainant not be informed within a month that his complaint has been forwarded to the Committee he may send a copy thereof to the Committee. No verbal complaint made to any member of the Committee shall be listened to.

XV. That under the Government orders, *vide margin** all the details of the management of the Imambarah and of the celebration of religious rites and feasts and ceremonies shall be left entirely and exclusively to the Mutwalli.

* Mr. Secretary Maugles' letter No. 889 to the Sudder Board dated the 24th June 1886.

XVI. That the functions which under section 7 of Act XX of 1863 have devolved on the Committee are confined solely to such supervision as may enable them to see that the funds are properly applied

and the rites and ceremonies are properly performed and the Imambarah is properly maintained. Should they at any time feel dissatisfied with the accounts or with his management, they should submit their objections to Government.

XVII. No application for promotion, increase of salary, etc., should be made to the Committee except through the Mutwalli.

AMEER ALI,	} Members of the Committee.
SYED MUHAMMAD ALI SHUSTARY,	
DELAWAR HOSSAIN AHMAD,	
MIRZA MOHAMMAD MASOOM,	
HAJI ALI MUHAMMAD SHIRAZI,	

ANNEXURE B.

Suggestions by the Mutwalli of the Hooghly Imambarah on the Hooghly Imambarah Committee Rules of 1897.

The Mutwalli's suggestions are as follows:—

1. The affairs of the Imambarah in general will be managed by the Mutwalli under the supervision of the Committee, the former to be *appointed by Government on the nomination by the Mutwalli himself*, agreeably to the *will of the Donor*, while the latter, according to Government Rules framed in 1865 will be appointed by election, and on its failure, by the District Judge, agreeably to Act XX of 1863.

2. Appointments and dismissals of the Imambarah employes *will rest, as usual, with the Mutwalli*, agreeably to the *will of the Donor* and according to the *old practice and previous orders of the higher authorities*.

3. Any *controversy* that may arise between the Committee and the Mutwalli, should *be referred* to the *Local Agent and the Divisional Commissioner*, who will refer it, if *necessary, to Government* and Government order will be *final*.

4. All the privileges and benefits hitherto enjoyed by the Mutwalli should continue; for example, the Mutwalli, for the time being, who *does not pay any rent for his own quarters* adjoining the Imambarah, should also be allowed *free quarters* for the accommodation of his family.

5. The Mutwalli's leave such as privilege leave, furlough, etc., *be given by Government through* the Local Agent and the Commissioner, information of which shall be given to the Committee.

6. The Committee *to sanction certain amount* for legal purposes. All legal expenses to be paid proportionately out of all shares, except the $\frac{1}{3}$ th share set apart as the fixed salary of the Mutwalli.

7. The President of the Committee for the time being to have his casting vote in all meetings and to have the charge of the Committee's Office and no member of the Committee can communicate any matter to Government or to any one else without his written sanction.

8. That the Mutwalli, agreeably to the Committee's Rules, shall act *as its Secretary* and shall issue notices of the meetings once in a month

by the order of the President calling a meeting of the Committee and shall keep a duplicate copy of all the proceedings of the Committee under the signature of the President, Vice-President or any senior member of the Committee.

ANNEXURE C.

Official papers defining the powers of the Mutwalli.

1. Extract from Jessore Commissioner's letter No. 4, dated the 5th August 1842, as follows:—

“That it never was the intention either of the Government or of the Board that the Mutwalli should be hedged in or controlled by the Local Agents as to render him nothing better than a paid agent whose duty it was to consist simply in carrying their orders into execution.”

2. Extract from a letter No. 140, from the Secretary to the Government of Bengal, dated 27th March 1838, to the Sudder Board of Revenue, as follows:—

“They are further of opinion that, in conformity with the orders of Government noted in the margin, all the details of the management of the Imambarah and of celebration of religious feasts and ceremonies should be left entirely and exclusively to the Mutwalli, the Local Agents confining themselves solely to such general supervision as may enable them to see that the funds are appropriated according to the will of the founder and that if at any time dissatisfied with the accounts rendered by the Mutwalli, they should immediately submit their objections to the Local Commissioner who should either pass orders or refer the case to the Board, if necessary.”

Mr. Secretary Mangles' letter
No. 889, to Sudder Board, dated the
14th June 1836.

3. Extract from the Sudder Board of Revenue's letter No. 124, dated the 7th September 1836, to the Commissioner of Revenue for the Division of Murshidabad, as follows:—

“The innovation recommended in this paragraph does not meet with the approbation of the Board, for it is entirely in opposition to the letter and spirit of the deed of endowment. Moreover such an innovation is objectionable, inasmuch as by making it appear that there was no head Mutwalli, the people of the Mahomedan persuasion would be very justly incensed and the Government would incur much unpopularity, without any attending benefit (in paragraph 17). The Board approve of a complete establishment being allowed to the Mutwalli, the appointment and removal of the same resting with him.”

4. Revenue Board's minute, dated the 23rd March 1829, in paragraph 7, thus:—

“I am of opinion that it was not intended by the provision of the Regulation of Act XIX of 1810, that the Local Agents or controlling revenue authority should receive any interference with the management of such endowments further than may be necessary to prevent the appropriation of the funds contrary to the interest of the donor, and to see generally that the trust is faithfully administered.

FINANCIAL DEPARTMENT,
Finance Branch.

No. 2683F.

From

H. C. WOODMAN, Esq., c.s.,
Offg. Under-Secretary to the Government of Bengal,

To

The Accountant-General, Bengal.

Calcutta, the 12th April 1901.

SIR,

I am directed to acknowledge the receipt of your memorandum 0735Bt., dated the 22nd February 1901, submitting the estimates of receipts and charges of the Mohsin Endowment Fund for the year 1901-1902.

2. In reply, I am directed to say that Government has accepted the estimates under all the heads, but an additional provision of Rs. 1,085 has been made for the repairs of the Hooghly Imambara Hospital buildings with the result that the closing balance has been reduced from Rs. 2,353 to Rs. 1,268.

3. A printed copy of the estimate is forwarded herewith for information.

I have, etc.,

(Sd.) H. C. WOODMAN,
Offg. Under-Secretary to the
Government of Bengal.

No. 2687F.

Copy of the estimate forwarded to the Revenue Department of this Government for information.

By order of the Lieutenant-Governor of Bengal,

(Sd.) H. C. WOODMAN,
Offg. Under-Secretary to the
Government of Bengal.

CALCUTTA,
The 12th April 1901.

BUDGET ESTIMATE FOR MOHSIN ENDOWMENT FUND FOR THE YEAR 1901-1902.

No. 0735Bt., dated Calcutta, the 22nd February 1901.

Memo. by—J. C. E. BRANSON, ESQ., Accountant-General, Bengal.

SUBMITTED to the Secretary to the Government of Bengal, Financial Department, in compliance with the request contained in his letter No. 351 F., dated the 17th January 1901.

HEADS.	Actuals, 1899-1900	Budget estimate, 1900-1901.	ACTUALS FOR 12 MONTHS ENDING 30TH NOVEMBER 1900.				Revised estimate, 1900-1901.	ESTIMATE OF 1901-1902.			EXPLANATORY REMARKS.
			Last four months 1899-1900	First eight months of 1900-1901.	Total.	Proposed by Local Officers.		Revised by Ac- countant- General.	Passed by Govern- ment.		
1	2	3	4	5	6	7	8	9	10	11	
RECEIPTS.											
Opening Balance	...	Rs. 5,610				Rs. 8,385	Rs. 8,385	Rs. 9,385	Rs. 9,385		
Income from Endowments.											
Remittance from Syudpur Estate	...	60,000	20,000	40,000	60,000		60,000	60,000	60,000		
Interest on fixed endowment	...	37,530	.....	36,403	36,903		.....	36,995*	36,995	
Do. on variable securities	...	3,296	.....	3,156	3,156		4,940	3,164†	3,164	
Emambars ferry ghat receipts	...	632 }	280	446	726		379	370	370		
Miscellaneous receipts	...						372	372	372		
Education.											
Madrasa fees	...	5,636	2,384	5,025	7,409		7,070	7,070	7,070		
Miscellaneous	...	19	16	2	18		10	10	10		
Total	...	1,08,113	22,680	85,532	1,08,212	1,08,000	72,762	1,07,981	1,07,981		
GRAND TOTAL	...	1,13,723				1,16,385		1,17,366	1,17,366		

Estimate of the Director of Public Instruction, Bengal, reproduced.

*Represents interest on Government securities for Rs. 10,57,000 carrying interest at 3½ per cent. per annum.

†Represents interest on Government securities for Rs. 90,400 carrying interest at 3½ per cent. per annum.

*Represents interest on Government securities for Rs. 10,37,000 carrying interest at 3½ per cent. per annum.
†Represents interest on Government securities for Rs. 90,400 carrying interest at 3¼ per cent. per annum.

} Estimate of the Director of Public Instruction, Bengal, reproduced.

BUDGET ESTIMATE FOR MOHSIN ENDOWMENT FUND FOR THE YEAR 1901-1902.

HEADS.	ACTUALS OF 12 MONTHS ENDING 30TH NOVEMBER 1900.						Revised estimate, 1900-1901.	ESTIMATE, 1901-1902.		
	Actuals, 1899-1900.	Budget estimate, 1'000-1901.		First eight months of 1900-1901.	Total.	Proposed by Local Officers.		Revised by Ac- countant- Ge eral.	Passed by Govern- ment.	
		2	3							4	5	6	7	8	9	10
1									11	
EXPENDITURE.										
Percentage for treasury establishment	551	550	551	.....	551	Rs.	Rs.	Rs.	559	559
Madrasas	32,470	31,231	10,985	18,407	29,292	82,728	32,728	32,728	32,728	32,728
Scholarships	8,261	8,622	2,782	5,333	8,115	8,622	8,622	8,622	8,622	8,622
Grant to Madrasas	2,140	2,000	1,225	1,358	2,384	2,384	2,384	2,384	2,384	2,384
Short fee payments of Muhammadan stu- dents	11,417	13,200	8,791	2,900	11,021	11,021	13,250	13,250	13,250	13,250
Miscellaneous .. .. .	.....	50	.....	.....	.....	.....	200	200	200	200
MEDICAL.										
Hospitals and Dispensaries.										
House-rent	80	.....	.....	.....	.....	.....	.....	.....	.....	.....
Allowance to Civil Surgeon	210	.....	.....	.....	.....	.....	.....	.....	.....	.....
Contribution to Assistant Surgeon's pay .. .. .	.....	2,530	.....	.....	.....	.....	2,530	2,530*	2,530	2,530
Compounders and dressers	1,726	1,768	584	1,177	1,761	1,761	1,788	1,788	1,788	1,788
Clerks and servants	1,565	1,500	520	970	1,490	1,490	1,500	1,500	1,500	1,500
Diet of patients	115	1,222	100	1,302	1,302	1,302	1,700	1,700	1,700†	1,700
Europe medicines .. .. .	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bazar	1,219	150	36	185	221	221	150	150	150	150
Contingencies and Miscellaneous	3,450†	1,362	1,947	1,005	2,952	2,952	1,362	1,362	1,362	1,362
Petty construction and repairs	1,296	300	475	2	477	477	300	300	300	300
Rates and taxes	126	38	97	232	329	329	38	38	38	38
Allowance to Medical Officers for attend- ing Madrasas .. .. .	.....	.....	.....	80	80	80	.....	.....	.....	.....
Annual contribution to Dufferin Hospital for female patients	1,260	1,200	400	800	1,200	1,200	1,200	1,200	1,200	1,200
EXPLANATORY REMARKS.										
Estimate of the Director of Public Instruction, Bengal, repro- duced. The increase under Madrasas is explained to be due to the increase sanctioned by that officer to the pay of the eighth master and clerk of the Chittagong Madrasa.										
* Rupees 210-14 are recoverable monthly from the Hooghly Emambara Hospital on account of the pay and pension of the Government Assistant Surgeon attached to the Hospital— vide Bengal Government Order, Municipal Department, No. 366 T.—M., dated 21st October 1899.										
† The increase is due to the purchase of Europe instruments required for the Emambara Hospital to replace a few unserviceable ones.										
Rupees 1,085 added for the repairs of the Hooghly Emambara Hospital building. The actuals include a sum of Rs. 2,427-3-6 on account of contribution to Assistant Surgeon's pay erroneously included under this head, but provided separately under its appropriate head										

HEADS.	Actuals, 1899-1900.		Budget, estimate, 1900-1901.	ACTUALS OF 12 MONTHS ENDING 30TH NOVEMBER 1900.				Revised estimate, 1900-1901.	ESTIMATE, 1901-1902.			EXPLANATORY REMARKS	
	2	3		4	5	6	7		8	9	10		11
1	2	3	4	5	6	7	8	9	10	11			
<i>Unani Dispensary.</i>													
Establishment	1,266	1,310	420	876	1,296		1,310	1,310	1,310	1,310	Estimates of the Local Agent, Hooghly, as approved by the Board of Revenue, Lower Provinces, reproduced.		
Bazar medicines	297	470	79	123	202		370	370	370	370			
Contingencies and miscellaneous	54		13	54	67		100	100	100	100			
Rents of the residence of the family of the Hakim of the Unani dispensary		50					50	50	50	50			
<i>Local Agent's establishment.</i>													
Clerk	707	681	223	507	735		631	631	631	631	A. Provided to meet the cost of two suits instituted for recovery of losses consequent on resale of the Emambara ferry.		
Servant													
Contingencies	242	84	218	36	254		84	84	84	84			
Law charges							200	200	200	200			
Miscellaneous and unforeseen charges				1,006	1,006								
<i>Religious Endowment.</i>													
Mutwalli's one-ninth share	6,667	6,701	2,223	4,444	6,667		6,701	6,701	6,701	6,701	B. Based on actual claims taken from the registers of this office. C. Represents gratuity paid to Shaik Mogul Jan, late compounder and clerk of the Unani Charitable Dispensary, sanctioned in Bengal Government Order No. 6208F., dated 30th November 1899.		
Committee's three-ninths share	20,000	20,103	6,667	13,333	20,000		20,103	20,103	20,103	20,103			
Emambara establishment	9,453	9,453	3,151	6,302	9,453		9,453	9,453	9,453	9,453			
Pensions	711	737	278	447	725		137	137	137	137			
Gratuity	6125		125		125								
<i>Public works by Public Works Officers.</i>													
Original works		1,086					5,600	5,600	5,600	5,600	Estimate of the Government of Bengal, Public Works Department, communicated in letter No. 1112L.A., dated the 19th February 1901.		
Repairs		300											
Establishment		250					1,288	1,288	1,288	1,288			
Tools and plant		16					84	84	84	84			
Total	1,06,338	1,06,499	41,896	60,179	1,02,075	1,07,000	1,11,291	1,15,013	1,16,098	1,16,098			
Closing balance	8,385	8,887				9,385		2,353	1,288	1,288			
GRAND TOTAL	1,13,723	1,15,886				1,16,385		1,17,366	1,17,366	1,17,366			

No. 89.

From

The Members of the Committee of
Management of the Hooghly Imambara,

To

The Secretary to the Government of Bengal,
Revenue Department, Land Revenue Branch.

Dated, 9 Harrington Street, the 15th April 1901.

SIR,

With reference to your No. 1802 T.R., dated the 21st September last, we have the honour to inform you that we note Government has no objection to our proposal to arrange for the repairs of the Hooghly Imambara buildings by a private contractor provided they are approved by the Official Engineer after completion.

With reference to paragraph 2nd of your letter we beg to state that we are setting apart Rs. 1,800 annually for the Imambara repairs. That last repairs were executed in 1899 and the quadrennial repairs will be due in the beginning of 1904. Thus there is an interval of only four years and two months as stated in our letter No. 214, dated the 16th of June last. Our savings, therefore, will come to Rs. 7,500 by that time, but we must set apart Rs. 300 therefrom for urgent petty repairs which will leave us Rs. 7,200 for the quadrennial repairs. Under these circumstances we believe there has been no miscalculation on our part.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) AMEER ALI.

(Sd.) D. H. AHMAD.

(Sd.) SYED AHMED ALI.

(Sd.) M. M. MASOOM.

(Sd.) HAJI ALI MOHAMMAD SHIRAZI.

Members of the Committee.

GOVERNMENT OF BENGAL,

REVENUE DEPARTMENT.

No. 2195, dated the 30th April 1901.

To

The Members of the Committee of
Management of the Hooghly Imambara.

GENTLEMEN,

With reference to paragraph 2 of your letter No. 89, dated the 15th April 1901, I am directed to point out that the quadrennial repairs to the Imambara fell due in October 1903. However, under the circumstances represented, Government approves of the next quadrennial repairs being undertaken in the month of January 1904, by which time the Committee will have saved Rs. 7,200 (rupees seven thousand and two hundred) for the purpose. I am to add that it was assumed from your letter No. 214, dated the 16th June 1900, that the Committee contemplated effecting the next quadrennial repairs in October 1904.

I have, etc..

No. 9 W.T., dated Darjeeling, the 11th October 1901.

From—R. W. CARLYLE, Esq., C.I.E., Offg. Secretary to the Board of Revenue, L.P.,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to Government order No. 3359, dated 26th August 1901, forwarding for report a copy of a letter No. 155, dated 22nd July 1901, and its enclosure, from the Members of the Committee of Management of the Hooghly Imambara, praying for the distribution of surplus of the Syedpur Trust Estate in Khulna, I am directed to say that a sum of Rs. 10,000 is reported to be available for distribution among the nine shares of the Mohsin Endowment Fund. These profits are generally distributed at intervals of five years and not at any intervening period. At the last period of distribution in 1898-1899, however, there were not sufficient funds in hand, and no distribution was made. The next distribution would ordinarily be in 1904-05, but the surplus of Rs. 10,000 now available may be distributed, if Government has no objection to relax, on this occasion, the five years' rule introduced under the orders noted in the margin. A further distribution of any balance at credit of the fund might be made in 1904-1905.

Board's letter to Government, No. 982A., dated 24th November 1884, and Government order No. 4, dated the 5th January 1885.

No. 2118 T.R., dated Darjeeling, the 12th November 1901.
 From—F. A. SLACKE, Esq., Secretary to the Government of Bengal,
 Revenue Department.

To—The Secretary to the Board of Revenue, Land Revenue Department.

With reference to your letter No. 9W-T., dated the 11th October 1901, I am directed to say that Government sanctions that the surplus of Rs. 10,000 reported to be standing to the credit of the Syedpur Trust Estate should at once be distributed among the nine shares of the Mohsin Endowment Fund in the following proportion:—

	Rs.	A.	P.
(1) One-ninth to the Mutwali of the Hooghly Imambara as his salary	1,111	1	9
(2) Three-ninths to the Imambara Committee for religious purposes	3,333	5	4
(3) Four-ninths for secular purposes	4,444	7	1
(4) One-ninth for educational purposes	1,111	1	10
Total ...	10,000	0	0

2. I am to add that the mutwali's share should be disbursed to enable him to pay off the balance due from him to the Imambara on the overdrawn hawlat account; while the amount payable to the three-ninths' share should be taken to the credit of the four-ninths' share in part payment of the amount by which the latter share has to be recouped on account of the sums advanced from it for the repairs of the Imambara under orders noted in the margin.

(1) Government order No. 716
T.R., dated the 11th October 1898
(paragraph 5.)

(2) Government order No. 339
L.R., dated the 19th November
1898.

(3) Government order No. 903
L.R., dated the 9th March 1899.

No. 2119 T.R.,

Copy forwarded to the the Financial Department of this Government for information and communication to the Accountant-General, Bengal.

No. 2120 T.R.,

Copy forwarded to the General Department of this office for information and necessary action.

By order of the Lieutenant-Governor of Bengal,

(Sd.) L. E. B. COBDEN-RAMSAY,

Under-Secretary to the Government of Bengal.

The 12th November 1901.

No. 34, dated Calcutta, the 6th February 1902.

From—THE HON'BLE MR. JUSTICE AMEER ALI, President, Committee of Management of the Hooghly Imambara,

To—The Secretary to the Government of Bengal, Revenue Department.

I beg to forward herewith, for the information of His Honour the Lieutenant-Governor of Bengal, a copy of the rules as finally settled by the Committee for the Management of the Hooghly Imambara. I may mention that Maulvi Delawar Hossain Ahmed, Khan Bahadur, resigned his seat before the rules could be circulated for signature, and that Dr. Mirza Mohammad Masoom did not put his signature for some reason of which I am not aware.

RULES.

The following rules and principles upon which the supervisory control of the Imambara vested in the Committee of Management of the Hooghly Imambara has hitherto proceeded are unanimously adopted for future guidance.

1. The register kept in the Imambara of the persons entitled to participate in the benefits of the Institution, or who are in the habit of attending at the festivals and ceremonies performed there, shall be revised six-monthly by a Sub-Committee composed of two members of the Committee assisted by the Mutwali. But no person whose name is at present on the register shall have his name removed from the register without being allowed an opportunity to show cause before the Committee. Any such application shall be submitted to the Committee through the Mutwali.

2. All servants of the Imambara of the Muhammadan faith shall be entitled to be on the register.

3. In future all persons ordinarily residing at Hooghly or Chinsura and in the habit of attending the Imambara, and the rites feasts and ceremonies performed there, shall have their names entered in the register. A person who does not ordinarily reside at Hooghly or Chinsurah but who has attended the Imambara every Thursday in the month for six months consecutively and has also attended the Muharram and Ramzan ceremonies in the same year, unless found by the Mutwali to be otherwise disqualified, shall have his name placed on the register.

4. In future any person discontinuing to attend the Imambara for six months unless for any sufficient cause shall be liable to have his name expunged from the register.

5. The Mutwalli shall keep a register of attendance in charge of a responsible officer, whose duty it will be to note the attendance of persons in the habit of attending the institution and the Mutwalli shall examine the attendance book to see that it is kept correctly.

6. The zakerin and all persons concerned with the actual performance of the rites and ceremonies shall be of the Shia faith.

7. In the case of two candidates for a vacancy in the sherista who are found upon departmental examination, to be equally competent in the subjects necessary for the work of the Imambara and bearing equally good character, preference shall be given to the Shia candidate, if any.

8. Any servant of the Imambara dismissed for misconduct, insubordination, breach of trust, or grave dereliction of duty shall have his name expunged from the register of voters and of hissas.

9. All communications issued from the office shall be absolutely confidential.

10. The clerk or clerks attached to the office of the Committee shall be entirely under the control of the President or the member in charge of the office.

11. All complaints in respect of the Imambara shall be made in writing to the Committee as a body, and shall be made through the Mutwalli, in order to enable him to report thereon, but should the complainant not be informed within a month that his complaint has been forwarded to the Committee, he may send a copy thereof to the Committee. No verbal complaint made to any member of the Committee shall be listened to.

12. No application for promotion, increase of salary, etc., shall be made to the Committee, except through the Mutwalli.

13. All the details of the management of the Imambara and of the celebration of the religious rites and feasts and ceremonies shall be left entirely and exclusively to the Mutwalli.

14. The Mutwalli alone shall be responsible for the internal management of the Imambara and the administration of its details, the control of the establishment, and the due performance of the rites and ceremonies, the proper application of the funds allocated under rule 18 for the different expenditures and for the upkeep of the articles and paraphernalia of the Imambara, and of the building and all appurtenances thereto.

15. Under section 7 of Act XX of 1863 the Committee shall exercise a supervisory control over the matters mentioned in Rule 14 but shall, in no way, be responsible for any dereliction of duty, breach of trust or misapplication of funds on the part of the Mutwalli.

16. No new post shall be created or the pay of any be increased or reduced by the Mutwali without a previous report in respect thereof to the Committee and sanction obtained on that behalf.

17. The Mutwali may, whenever, he finds it necessary, impose any fine upon any servant of the Imambara for delinquency, or suspend or dismiss any of them, but cases of suspension and dismissal shall be reported to the Committee.

18. The Mutwali shall submit annually at the end of October, a budget statement for the sanction of the Committee, and all expenditure for the ensuing year shall be regulated according to such budget with any amendment which the Committee may consider necessary, and the Mutwali shall not incur or undertake any expense outside the budget so approved unless sanctioned by the Committee.

19. Any item of expenditure not included in the last budget shall especially be brought to the notice of the Committee and the reason for its inclusion in the new budget shall be explained by the Mutwali, and no disbursement in respect of any such item shall be undertaken without the sanction of the Committee previously obtained.

20. Should any necessity arise for any expenditure outside the budget, the Mutwali shall submit a full report of the circumstances to the Committee. And it will be in the discretion of the Committee to grant such sanction or not. The budget statement shall include a statement of the names of the servants on the establishment of the Imambara with their respective duties.

21. It shall be the duty of the Mutwali to examine once a quarter all the articles, Alams, Shaddas, and every other paraphernalia belonging to the Imambara, and to see that they are in proper condition and order, and to furnish to the Committee with a full report relating thereto immediately after such examination.

22. The Mutwali shall furnish a list of Imambara employés on the 1st of April each year with the dates of their appointments and the pay received by them respectively.

23. The Mutwali shall insist upon weekly reports from the different officers in charge of the different departments regarding the condition of the articles and all matters connected therewith. Should anything appear upon the verbal report to be unsatisfactory, he shall require the officer concerned to submit a report in writing, a copy of which shall be forwarded to the Committee's office.

24. All cash balances shall be examined at the close of the day or whatever time the Sherista is closed. They shall be initialled by the Mutwali and the Mutwali shall furnish to the Committee every three months with a statement showing the balances standing to the credit of the different accounts, viz., the three-ninths and the four-ninths shares, kharijtowlout, the amanati, the Imambara repairs and the Reserve Fund accounts with a certificate signed by him that they are correct.

25. The Mutwalli shall also furnish every year a statement of the above account showing the total income and expenditure.

26. The Mutwalli shall also furnish a yearly statement of all the immoveable property belonging to the Imambara in his charge, giving the names of the tenants with the rent, showing how long they have held respectively at the same rent, the condition of the property, the demand, the receipts and the arrears, and the steps he has taken to realise the arrears.

27. The Committee shall have the power of deputing at any time one or two of the members to visit the Imambara and examine the cash balances and accounts, or inspect the articles or see how the rites and ceremonies are performed.

28. The Committee shall at their monthly meetings appoint one or two members as visitors to the Imambara for the following month. The visiting member or members shall enter their remarks, if any, in a "Visitors' Book" to be kept in the Imambara. It will be open to the Mutwalli to enter his explanations on the other page. A copy of such remarks and explanations, if any, shall be forwarded to the Committee's office before the monthly meeting.

29. The Mutwalli shall also submit a six-monthly statement to the Committee showing the number of students living in the Imambara and enjoying its bounty and of the character of the food given to them.

30. No servant of the Imambara shall be entitled to any remuneration for extra work done by him besides his own duty. If the work be of a heavy and intricate nature, the Mutwalli shall obtain special sanction of the Committee in the matter.

31. No servant or officer of the Imambara from the Mutwalli downwards shall borrow money belonging to the Imambara or from its Treasury.

32. The Mutwalli shall insist upon all monies realised by any of the officers of the Imambara being paid at once into the Treasury upon realisation.

33. The foregoing rules are subject to revision and modification with the approval of the Bengal Government.

(Sd.) AMEER ALI,

(Sd.) HAJI ALI MOHAMMED SHIRAZI,

(Sd.) SYED AHMED ALI.

CALCUTTA,

The 14th January 1902.

No. 5 R. G., dated Chinsurah, the 7th April 1902.

From—R. CARSTAIRS, Esq., Commissioner of the Burdwan Division,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to forward, for the orders of Government, the enclosed correspondence,* and to draw attention to my predecessor's No. 47 R. G., of the 30th September 1900, to which no answer appears to have been received.

* Some of the enclosure will be found annexed to Memo. No. 17 R. G., dated the 21st June 1900, from the Officiating Commissioner, Burdwan Division, to Government.

2. The broad question as between the Trustees and the Mutwalli seems to be that the latter claims to be sole manager of the Imambarah, while the duty of the Trustees according to him is confined to satisfying themselves that his management is honest and efficient.

The Trustees on the other hand, seem inclined to establish themselves as managers, with the Mutwalli as their deputy or servant.

3. There seems no reason to differ from the conclusion come to by Mr. Faulder, which is in favour of the Mutwalli's view.

4. As regards the requisition on the Mutwalli to pay rent, I think this inadvisable. He occupies his quarters and has all along done so free of rent by virtue of his position of manager, and should continue to do so. If he is made rent-paying tenant of them, his connection with the Imambarah is made less close.

5. The wish of the Trustees to have within the Imambarah quarters of their own, over which the Mutwalli has, I presume, no control, tends likewise to weaken his authority as manager, and should not be allowed to prevail.

No. 236, dated Chinsurah, the 14th March 1902.

From—T. INGLIS, Esq., Local Agent, Hooghly Imambarah,

To—The Commissioner of the Burdwan Division.

I have the honour to submit a copy of the Mutwalli's letter No. 105, of the 3rd current, on the subject of the rent to be paid by him for his private residence. This representation amounts to an appeal by the Mutwalli against the orders of the Trustees, requesting him to pay rent, though, since 1875, he has occupied the quarters free of rent, as did also his predecessor, Syed Keramat Ali, who, however, was the donor of the quarters in question. The quarters adjoin the Imambarah, and were evidently intended to form part of the property and constitute the residence of the Mutwalli. As a matter of fact, the repairs of this part of the property are paid by Government

out of the four-ninths share. The reason given by the Trustees for this new departure is the necessity for economy in view of the heavy expenditure incurred for repairs after the earthquake of 1897, which is being met by yearly repayments to Government. In view, however, of the fact that the quarters are maintained by the four-ninths share, I do not consider that the Trustees have any right to economise in this direction, assuming that they have the power to do so in any case. I would, however, point out that in the local suits constantly being brought to harass the Mutwalli, the non-payment of rent was made a ground for action. This was brought forward in the first suit in 1896, which was thrown out by Mr. Bradbury. It was again brought forward in 1900, and this suit was also rejected by Mr. Harward. It is difficult not to recognise the connection between these suits and the action of the majority of the Trustees in this matter. On the legal question I would refer you to Mr. Faulder's letter No. 47R.-G., of the 30th September 1900. I reported this question as long ago as the 7th April 1900, in my letter No. 6.

2. I send you the original copies of the letters, etc., referred to in the Mutwalli's representation which he has had prepared for me.

No. 105, dated Hooghly, the 3rd March 1902.

From—MAULVI SYED ASHRAFUDDIN AHMED, KHAN BAHADUR. Mutwalli of the Hooghly Imambara,

To—The Local Agent, Hooghly Imambara,

I have the honour to inform you that the Committee have in their letter No. 290, dated the 26th December 1901, received with the President's letter No. 54, of the 17th ultimo, copy of which is annexed herewith, directed me to communicate through you to Government for a decision on the question of my paying house rent for my family quarters for which I had in my No. 305, dated the 20th June 1900, submitted an appeal through you and Mr. Faulder to Government. I, therefore, beg to lay before you these additional facts to enable you to make a report on the subject to Government before your departure from Hooghly with a view to obtain the above decision, and thereby settle the question once for all between me and the Committee.

1. My predecessor, Maulvi Syed Keramat Ali (the donor) occupied the house without paying any rent after he had dedicated it as a wakf and incorporated it with the wakf property of the late Hajee Mohammad Mohsin.

2. In the rubukari of my predecessor, dated the 13th May 1874, addressed to the Local Agent containing a list of the property under

his charge and the income derived therefrom, it is distinctly admitted by him that the house now used as my family quarters paid no rent and was reserved for the accommodation of his distinguished guests, and it was probably on this ground that Mr. Justice Ameer Ali, the learned President of the Committee, considered the wakfnamah of the late Mutwalli as vague.

3. My long occupancy of nearly 28 years of the said house for the use of my family without paying any rent with the tacit approval and knowledge of the authorities concerned with the Imambara management is another important point in my favour.

4. In paragraph 13 of Mr. Commissioner Faulder's letter No. 47R.G. of the 30th September 1900, addressed to Government, copy of which was forwarded to me with his No. 129R.G., of the same date, the learned Commissioner says thus :—

“Rule 4.—As to whether the Mutwalli should pay rent for his quarters or as to whether (to refer to another bone of contention) the Committee should be allowed to use a room in the Imambara as its court, these seem to me questions connected with the detailed management of the building as to which the Committee can pass no orders upon the Mutwalli, but which the Mutwalli must decide subject to a suit. As he has never paid rent, it is not likely that the Civil Court would hold his omissions to do so to amount to a misfeasance justifying its interference.”

5. The repair of this house is effected not out of the proceeds of the late Mutwalli's property, but out of the $\frac{1}{4}$ th share of the Mohsin Fund; while the situation of the house so close to the Imambara plainly shows that it was never intended to let it out to outsiders, in which case there should have been an ingress and egress of the house separate from that of the Imambara.

6. In Mr. Collector Inglis' letter No. 6 of the 7th April 1900, the learned Collector writes thus :—

“They (the Committee) have recently directed him to pay house rent for that part of the Imambara occupied by his family which he has never before paid, and they also demand that certain rooms in the Imambara be set aside for their use, so that they may occupy them whenever they visit the Imambara. On both points the President is opposed to the views of the majority of the Trustees, and, as far as I am aware of the facts and circumstances, I agree with him.”

Apart from the points stated above, permit me in conclusion to remark that when I have free quarters like my predecessors in the Imambara buildings, I am justly entitled to have also certain quarters for the use of family free of rent, and I, therefore, hope that you will be pleased to send my this second appeal through the proper channel for the gracious consideration of His Honour the Lieutenant-Governor along with your own favourable remarks thereto before your departure from Hooghly.

No. 281, dated Calcutta, the 21st December 1901.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Mutwalli of the Hooghly Imambara.

We have to call your attention to the resolution of the Committee passed on the 10th day of March 1900, calling upon you to pay a rent of Rs. 8 a month for the use and occupation of the premises dedicated to the Imambara by the late Mutwalli, Moulvi Syed Keramat Ali, which was communicated to you by a copy of the proceedings held on that day, and regarding which you have informed us that you had appealed to Government from the decision of the Committee. We have not heard from you whether any decision has been arrived at by Government on the subject. Unless therefore we hear from you in the course of four weeks that Government has expressed a view contrary to ours, we expect you to pay the rent fixed by the Committee regularly with all arrears from the date on which the resolution was communicated to you.

No. 558, dated Hooghly, the 23rd December 1901.

From—MOULVI SYED ASHRAFUDDIN AHMED, KHAN BAHADUR,
Mutwalli of the Hooghly Imambara,

To—The Members of the Imambara Managing Committee.

In reply to your No. 281, of the 21st instant, I have the honour to inform you that the time fixed by the Committee for producing a reply on the subject from Government is rather short, and, moreover, as I am unable to undertake to elicit a reply within any definite period, I would, therefore, request you to wait till Government is pleased to favour us with its order on the question deciding it one way or the other.

No. 290, dated Calcutta, the 26th December 1901.

From—The Members of the Committee of Management of the
Hooghly Imambara,

To—The Mutwalli of the Hooghly Imambara.

We have the honour to acknowledge the receipt of your letter No. 558, dated 23rd instant. In reply we desire to express our regret at being unable to comply with your request to delay indefinitely the payment of rent for the premises dedicated by the late Mutwalli to the Hooghly Imambara and in your occupation. We ask you to put yourself in communication with the Government through the Local Agent soliciting an early reply to your appeal.

Translation of paragraph 2 of the Hooghly Imambara Rubakari of the late Mutawalli Syed Keramat Ali, dated 13th May 1874, addressed to the Local Agents Hooghly, as follows :—

Municipal holding No. 75 is the premises known as the house of Shaker Ali Khan, one of the former Mutawallis situated close to the east of the Imambara. These premises had been made over without any consideration to Mutawalli Shaker Ali Khan for his residence. This well-wisher rented the house from his descendant (Shaker Ali Khan) for his own residence at a rent of Rs. 20 a month. As the building was old, he repaired it at a cost of some thousand rupees at his own expense and made some additions to it. On the 17th November 1852, the outer portion of the building, covering about $11\frac{1}{2}$ cottahs of land, was purchased out of funds from the three-ninths share at a cost of Rs. 730, and the structure (kutra) was demolished and a portion of the land included with the road. The inner portion remained under my occupation at a rent of Rs. 12 a month: this portion, together with the $11\frac{1}{2}$ cottahs of land (which it contained) was purchased by the well-wisher for Rs. 666 on the 5th January 1855, and in October 1869 dedicated it as wakf and incorporated it with the wakf of the Mohsin Imambara. It derives no income. Some of those gentlemen who come to pay visits to the Imambara are accommodated there as guests of the well-wisher.

No. 2174, dated Calcutta, the 8th April 1902.

From—L. E. B. CORDEN-RAMSAY, Esq., Under-Secretary to the
Government of Bengal, Revenue Department,

To—The President of the Committee of Management of the
Hooghly Inambara.

I am directed to acknowledge the receipt of your letter No. 34, dated the 6th February 1902, forwarding for the approval of Government, a copy* of the Rules for the Management of the Hooghly Inambara as finally drawn up by the Committee for the Management of that Institution.

2. In reply, I am to say that the Lieutenant-Governor approves these rules, which are in his opinion excellent.

No. 189 T.R., dated Darjeeling, the 25th April 1902.

From—W. C. MACPHERSON, Esq., Offg. Secretary to the
Government of Bengal, Revenue Department,

To—The Commissioner of the Burdwan Division.

I am directed to acknowledge the receipt of your letter No. 5 R.G., dated the 7th April 1902, and enclosures, regarding certain points connected with the management of the Hooghly Imambara. In reply, I am to communicate to you the following observations and orders of the Lieutenant-Governor.

2. With reference to the relationship of the Mutwallee to the Committee of Management, I am to refer you to the rules (a copy* of which is herewith enclosed) approved in Government order No. 2174, dated the 8th April 1902, for the management of the Hooghly Imambara. These rules, in His Honour's opinion, have determined in a satisfactory manner the mutual relations and duties of the Committee and of the Mutwallee.

3. With regard to the question whether the Mutwalli is to pay rent for the quarters occupied by his family, I am to observe that when Sir John Woodburn recently visited the Imambara he was satisfied that it is desirable that the Mutwalli should be always present on the spot and that his family should live in close proximity to the Imambara, so as to obviate the necessity of his being frequently absent from the Institution. Under these circumstances, and having regard also to the fact that the late Mutwallee who nominated the present Mutwallee as his successor, dedicated to the Imambara the house adjacent to it now occupied by the present Mutwallee's family, the Lieutenant-Governor considers it inexpedient to require the Mutwallee to pay any rent for the houses which he occupies. Accordingly no provision has been made in the rules referred to in paragraph 2. above for taking any rent from the Mutwallee.

4. Referring to the question of the assignment of a room inside the Imambara buildings for the use of the Trustees, I am to say that it is understood that the matter has been dropped. There seems to be no necessity to raise the question again.

BOARD OF REVENUE, L. P.,
Land Revenue Department,
Wards Branch.

No. 28 W. T.

From

H. LEMESURIER, Esq., C.I.E., I.C.S.,
Offg. Secretary to the Board of Revenue, L. P.,

To

The Secretary to the Government of Bengal,
Revenue Department.

Dated Darjeeling, the 20th September 1904.

THE HON'BLE MR. H. SAVAGE, C.S.I., I.C.S.,
Member in charge.

SIR,

With reference to the correspondence ending with Government order No. 2118 T.—R., dated the 12th November 1901, I am directed to say that a sum of Rs. 10,000 (ten thousand) is available on account of the surplus income of the Syudpur Trust Estate in Khulna for payment to the Mohsin Endowment Fund during the current year. The Commissioner of the Presidency Division proposes to distribute the amount in the following proportions :—

	Rs.	A.	P.
(1) One-ninth to the Mutwali of the Hooghly Imambarah as his salary ...	1,111	1	9
(2) Three-ninths to the Imambarah Committee for religious purposes ...	3,333	5	4
(3) Four-ninths for secular purposes ...	4,444	7	1
(4) One-ninth for educational purposes ...	1,111	1	10
Total ...	10,000	0	0

The amount of Rs. 3,333-5-4 payable to the $\frac{3}{9}$ ths share should be credited to the $\frac{4}{9}$ ths share in part payment of the amount (Rs. 29,512-6-3 by which the latter share has to be recouped on account of the sums advanced from it for the repairs of the Imambarah buildings, as ordered in paragraph 2 of the Government letter cited above.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd). H. LEMESURIER,

Offg. Secretary.

GOVERNMENT OF BENGAL.

Revenue Department,
Land Revenue Branch.

No. 2896 T.—R.

To

The Secretary to the Board of Revenue,
Land Revenue Department.

Dated 26th October 1904.

SIR,

I am directed to acknowledge the receipt of your letter No. 28 W. T., dated the 28th September 1904, regarding the disposal of the surplus income of the Syudpur Trust Estate in Khulna, amounting to Rs. 10,000 which is available for payment to the Mohsin Endowment Fund.

2. In reply, I am to convey the sanction of Government to the proposal made by the Commissioner of the Presidency Division that the amount may be distributed among the nine shares of the Mohsin Endowment Fund in the following proportion :—

	Rs.	A.	P.
(1) One-ninth to the Mutwalli of the Hooghly Imambarah as his salary ...	1,111	1	9
(2) Three-ninths to the Imambarah Committee for religious purposes ...	3,333	5	4
(3) Four-ninths for secular purposes ...	4,444	7	1
(4) One-ninth for educational purposes ...	1,111	1	10
Total ...	10,000	0	0

3. I am to add that Government agrees with the Board that the amount of Rs. 3,333-5-4 payable to the 3ths share should be taken to the credit of the 4ths share in part payment of the amount (Rs. 29,512-6-3) by which the latter share has to be recouped on account of the sums advanced from it for the repairs of the Imambarah buildings.

The Accountant-General will be advised.

I have, etc.,

Memorandum No. 2897.

Copy forwarded to the Financial Department of this Government for information and communication to the Accountant-General, Bengal.

By order, etc.,

Memorandum No. 2898.

Copy forwarded to the General Department of this Government for information and for necessary action.

By order, etc.

Demi-official. COMMISSIONER'S OFFICE,
CHINSURAH,

The 27th December 1906.

MY DEAR CARLYLE,

I forward, enclosed, an application from Khan Bahadur Syed Ashraf-uddin Ahmed, the Mutwali of the Hooghly Imambara, that Government will be pleased to nominate his son as his successor to the Mutwalliship. It is recommended by the Collector (the Local Agent of the Mohsin Trust Fund) and I would also recommend it in consideration of the Khan Bahadur's long services as Mutwali.

Yours sincerely,
(Sd.) G. H. WALSH.

THE HON'BLE MR. R. W. CARLYLE, C.I.E., I.C.S.,
Chief Secretary.

HOOGHLY IMAMBARA,
HOOGHLY,
9th December 1906.

TO THE HON'BLE MR. R. W. CARLYLE, C.I.E., I.C.S.,
Chief Secretary to the Bengal Government
(through the Local authorities).

DEAR SIR,

I beg leave to state for the information of His Honour Sir A. Fraser that I have served the British Government for nearly 32 (thirty-two) years, with loyalty and devotion as the 7th Mutwali of the Hooghly Imambara and semi political and religious head of the Hooghly Mahomedans and have discharged my duties to the best of my ability. My other services to Government and to public, though not equal to my father, the late Nawab Amir, Ali Khan Bahadur, C.I.E., of Barh, in Patna district, are well known both to the officials and non-officials of the time and need not be mentioned here, but I recollect that few years ago I was strongly supported by Messrs. Kennedy and French, the then Commissioner and Collector, for a seat in the Bengal Council. I have three surviving children from my wife, one of them is my son Saiyid Ali Nawab, the compiler of the popular booklet in the Mohsin centennial, while the other two are daughters already married. My son, Saiyid Ali Nawab, was born in Hooghly in January 1884 and has been bred and brought up here. He has seen almost all the functions and duties of the Mutwali especially since the last four years. In fact he has been carefully trained and did fairly well in Hooghly Imambarah when I went to Barh or Calcutta from time to time. Besides, the majority of the people like him. He knows Persian, Arabic, Urdu and Bengali and has read up to the Entrance Standard of the

Calcutta University. He is a Shiah and knows sufficiently about his religion. He is devoted to the Government and faithful to the Shiah religion. I have, in fact, throughout my long incumbency cherished the hope that he will succeed me and I have trained him in that light and introduced him in society and only last year presented him to the Royal Levee through your kindness. Apart from the Donor's will and the late lamented Mr. Faulder's celebrated letter of 30th September 1900, to Government, I am lucky like my predecessor, Moulvi Syed Keramat Ali, to nominate my successor *vide* the Board's No. 329 of the 17th December 1858, of course with the approval of Government. But apart from all these His Honour and yourself know that whatever power or dignity I have got and possess, have been given to me mainly by the kindness and good will of our benign Government, and I therefore very respectfully and earnestly beg to know whether His Honour the Lieutenant-Governor will be graciously pleased to approve my son's nomination as the next Mutwalli of the Hooghly Imambarah as His Honour Sir R. Temple Bart, did in my case, when the late Mutwalli Syed Keramat Ali nominated me as his successor in 1874-75. I humbly pray that this point be settled by His Honour during my lifetime so that my son's future may be secured and as well as the interest of this great institution preserved so long on the lines laid down by the late Mutwalli and approved by Government as the permanent Mutwalli of the Mohsin Trust Estate. Besides, the feeling of loyalty which is our birthright, will go down from father to son and an old family will be saved. Kindly lay my humble request and prayer before His Honour the Lieutenant-Governor with your gracious remarks and oblige.

Yours⁴ gratefully,

(Sd.) SYED ASHRAFUDDIN AHMED,

Mutwalli.

MY DEAR BERNARD,

Dated 22nd March 1907.

Please refer to Walsh's confidential demi-official of the 27th December 1906, addressed to me with which he forwarded, with his own recommendation and that of the Collector of Hooghly, a letter from Khan Bahadur Syed Ashrafuddin Ahmed requesting that His Honour the Lieutenant-Governor may be moved to approve the nomination of his son as his successor to the post of Mutwalli of the Hooghly Imambara. The Khan Bahadur supports his prayer by a reference to paragraph 10 of the late Mr. Faulder's report No. 47 R. G., dated the 30th September 1900 on the Imambara affairs, in which he remarked that it had always been the practice for the Mutwalli to nominate his successor subject to Government confirmation.

2. The earliest correspondence traceable in the Secretariat and in the Board's office on the subject of the appointment of the Mutwalli of the Hooghly Imambara was that of 1836. From this it appears that on the dismissal in 1836 of Syed Ali Akbar Khan, the Mutwalli appointed by Government for general misconduct and under grave suspicion of having misappropriated a certain portion of the Imambara Funds, his successor Syed Keramat Ali was selected by the Board, after much discussion from among a number of candidates. In this case, therefore, there was no question of nomination by a predecessor. Syed Keramat Ali held office till 1875, when he was succeeded by the present Mutwalli, Khan Bahadur Syed Ashrafuddin Ahmed.

3. It was when discussing the question of appointment of a successor to Syed Keramat Ali that the Board and Government agreed that full weight should be given to that Mutwalli's recommendation.

1. Paragraphs 6 and 7 of Board's letter No. 64 A dated the 8th March 1875 to Government.

2. Paragraph 2 of Government order No. 701 dated the 18th March 1875 addressed to the Board.

Sir Richard Temple was further disposed to cast the responsibility of selection on the Mutwalli, but the selection was left to the Board (*vide* extracts from correspondence noted on the margin herewith enclosed).

4. So far, therefore, as the earlier correspondence goes, it does not establish the fact that it has been the practice for the Mutwalli to nominate, but merely that there is a precedent for the acceptance of a nomination by a Mutwalli of a person who was found by the Board to be otherwise well qualified. On the other hand the papers do show very clearly that the Mutwalli has no right to nominate his successor and that in fact the appointment rests solely with Government, but that any recommendation made by the Mutwalli would be duly considered.

5. The present Mutwalli's son does not appear to be an unsuitable candidate and the Mutwalli has rendered good service during his long incumbency. But his present attempt to get the question of his successor settled seems premature as it does not appear from his letter that he has any intention of retiring or vacating the office. What he asks for is a declaration of his right to nominate his successor and practically to make the post hereditary (*vide* the concluding portion of his letter). Both requests are unreasonable.

6. The time has not come to make a selection, for there is no vacancy, actual or prospective. When the present incumbent makes up his mind to retire or a vacancy otherwise occurs, it will be time enough to appoint a successor; and it would not be right to tie the hands of Government for the future. It has already been decided that the Mutwalli has no right to nominate his successor and this point does not call for fresh decision. You may point this out to Syed Ashrafuddin Ahmed and tell him that when he retires his recommendation as to his successor will receive due and sympathetic consideration of Government.

Yours sincerely,

(Sd.) R. W. CARLYLE,
Chief Secretary.

To

J. H. BERNARD, Esq.,
Commissioner, Burdwan Division.

Demi-official No. 3 C.

COMMISSIONER'S OFFICE.

CHINSURAH.

The 20th May 1907.

My dear Gait,

I read your demi-official No. 87 of the 22nd March to the Mutwali of the Hooghly Imambarah. He said it was impossible for him to think of contesting the view of Government and he does not wish to do so, but he would like to have his son appointed by Government as his Assistant, so that he might be fit to succeed him.

He has now written to the Collector of Hooghly asking that this may be done. I enclose his letter. He has forwarded it saying he thinks that, if Government intends to appoint the Mutwali's son to be his successor it ought to allow him to act as his Assistant, so that he can gradually learn the duties of his office.

I see no objection to the Mutwali's son being appointed to act as his Honorary Assistant. To do so, however, would be tantamount to holding out hopes that he would eventually be appointed to succeed him, unless in the meantime he had shown himself unfit. And it is of course to establish on behalf of his son a certain claim to succeed him that Khan Bahadur Syed Ashrafuddin Ahmed makes this proposal.

Yours sincerely,

(Sd.) J. H. BERNARD.

THE HON'BLE MR. E. A. GAIT, C.I.E.,

Offg. Chief Secty. to the Govt. of Bengal.

THE IMAMBARAH, HOOGLY,

29th of April 1907.

My dear Sir,

I beg to inform you that on the 26th of March 1907, Mr. Bernard I.C.S., was pleased to read over to me the demi-official letter of the learned Chief Secretary, on the subject-matter of my application of the 9th December 1906, which was supported both by you and by Mr. Walsh, I.C.S.

As the said demi-official letter was read over to me, I can hardly be expected to recollect all its contents, but all I can say is that as loyal subject and obedient old servant of the Government. I am ready and shall ever be ready to abide with the wishes and

orders of the higher authorities. Further as the British Government and their Civil Officers (unlike other Foreign Governments) are proverbial for their justice and patronage towards their old and loyal servants, let me very respectfully approach Government and Board through you and Mr. Bernard, to allow my son to act as my assistant, in the Mambara, agreeably to the recommendation made to that effect by Mr. Walsh. Kindly forward this humble letter of mine to Mr. Bernard with your own remarks and oblige.

Yours sincerely,

(Sd.) SYED ASHRAFUDDIN AHMED,

Mutwalli.

B. DE, Esq., M.A., I.C.S.,

Collector and Local Agent, Hooghly.

Demi-official No. 34T.R., dated 6th June 1907.

MY DEAR BERNARD,

Your demi-official No. 3 C. of the 20th May 1907, regarding the appointment of the son of the Mutwalli of the Hooghly Imambara to be the Mutwalli's Honorary Assistant.

Government cannot depart from the position taken up in Mr. Carlyle's demi-official No. 87 of the 22nd March 1907. It is open to the Mutwalli to employ any one he chooses to assist him but no such arrangement can be recognised by Government.

Yours sincerely,
(Sd.) E. A. GAIT.

To

J. H. BERNARD, Esq.,
Commissioner of the Burdwan Division.

Government Order No. 114.

Dated the 8th January 1908.

The sanction of Government is accorded to the proposal made by the Board of Revenue, L. P., for the distribution of the surplus income of the Syedpur Trust Estate in Khulna amounting to Rs. 9,115 among the nine shares of the Mohsin Endowment Fund in the following proportion :—

1. One-ninth to the Mutwallee of the Hooghly Imambara as his salary	...	...	...	1,012	12	5
2. Three-ninths to the Imambara Committee for religious purposes	...	...	...	3,038	5	4
3. Four-ninths for secular purposes	...	...	...	4,051	1	9
4. One-ninth for educational purposes	...	...	...	1,012	12	6
Total			...	9,115	0	0

Sanction is also accorded to the proposal that the amount of Rs. 3,038-5-4 payable to the three-ninths share should be taken to the credit of the four-ninths share in part payment of the amount (Rs. 19,179-0-11) by which the latter share has to be recouped on account of the sums advanced from it for the repairs of the Imambara buildings.

The Accountant-General, Bengal, will be informed.

By order, etc.,

Under-Secretary to the Government of Bengal.

From—A. AHMAD, Esq., I.C.S.,

To—His Honour the Lieutenant-Governor of Bengal.

Dated Calcutta, the 8th September 1908.

As desired I am submitting a short note for your information and such action as you desire to take in recognition of our services and the great sacrifices made by my father, the late Nawab Amir Ali, Khan Bahadur.

I hesitate in approaching you on the subject as it is a personal matter, though it concerns my eldest brother individually.

I need hardly bring to your notice that there is not a single Bihari family, whether Hindu, Native Christian or Muhammadan, who did not get some benefit from our late father. Even the present Badsha Nawab of Patna is beholden to my late father, as it was by his influence that the late Nawab Lutf Ali, father of Badsha Nawab, was saved from being hanged as a rebel.

The Maharajas of Dumraon, Baslza and Darbhanga were indebted to him for many a kind service. I write this not to impress on your mind the great influence my father exercised, but the kindness shown to me by these gentlemen is due to my father's influence and not to any what I have done or attempted to do.

My father was sent to Patna to restore quiet during the Sepoy disturbance and accompanied Mr. Samuells as his assistant; for this work he was offered a suitable sum as salary, but my father declined to accept any money for services, which were the right of the Crown to obtain from all law abiding and loyal subjects of the Government.

My eldest brother joined his appointment when he was not even 21 and has served for over 30 years under circumstances which are already known to you by better sources than what I can offer.

My brother was created a Khan Bahadur some years ago, and now, since the passing of recent orders, he is styled Nawabzada. At his age and the services he has rendered to Government I venture to say the title is unsuited and I trust you will be good enough to remove the slur, for it is regarded as such by most of the Muhammadans, and confer on him the title which his father enjoyed for so many years and which my brother and all of us look upon as our due. As for my own services, I am greatly beholden to you and our Government for having done something for me, and now I trust you will extend the same consideration to my brother, whose sole ambition in life is to see his only son Sayid Ali Nawab suitably provided for in life.

The appointment which my brother holds is not a pensionable one, but the former Mutwallis were allowed a pension from the Government share of the profit, and the new Mutwalli gets the full salary. If the son of the Mutwalli is appointed as his successor, my brother,

I believe, will retire even without a pension. He has been so much harassed by designing people and had to fight his battle single-handed that he thinks it will be a relief to him to retire, provided his son is given the appointment in his place. My brother is willing to stay to help his son in the management and when the young man is properly settled in his post, to retire to Barh our ancestral place in Bihar.

My brother is also anxious to secure a seat in the Bengal Council and I feel sanguine that his presence will be of some good to the public.

My brother's career has been marked with great loyalty and devotion to the British Government, and even when he was offered a better post in Egypt by Lord Cromer he declined to leave British service, as he said his place was here and not out of India.

Several inducements were offered to him to create disturbance or help people who were anti-Government in their design. But he remained firm in his allegiance and is a person who can be relied upon. He was of great assistance to the Railway Company, East Indian Railway, during the Asansol outbreak, and is now anxious to get something definitely done for his only son.

What I propose is (1) that the title of Nawab be conferred on him ; (2) that he should get a seat in the Council ; (3) that his son should be appointed in his place ; and (4) he be allowed to retire on a suitable pension.

I beg to be excused at the length of the letter and enclosure of documents which may interest you.

Date Hooghly, the 9th November 1908.

TO THE HON'BLE SIR A. H. L. FRASER, K.C.S.I., I.C.S.,
Lieutenant-Governor of Bengal.

The humble memorial of Saiyid
Ashrafuddin, Mutwally of the
Hooghly Imambara.

MAY it please Your Honour—

That your humble petitioner is the 7th Mutwallee of the Hooghly Imambara appointed by the Government of Sir R. Temple on the 25th June 1875, and has discharged his duties with loyalty and devotion.

That your petitioner's father, the late Nawab Amir Ali Khan Bahadur, C.I.E., of the Mutiny fame, and his distinguished services together with services done by your petitioner's youngest brother Mr. Ahmad, C.S., are also on record and need not, therefore, be mentioned here.

That your petitioner has a son who is a Shiah, and has read up to the Entrance standard. It is your humble petitioner's earnest prayer that his son's succession to the Mutwalliship of the said Imambara may be decided by Your Honour, before Your Honour leaves the musnud of Bengal. Your humble petitioner's son has been brought up and trained by him for the above purpose, particularly after the permission which your petitioner received, *vide* the demi-official letter, dated the 6th June 1907.

That over and above this fact, your petitioner begs leave to submit that he may also be allowed a full life pension in recognition of the service done by him during the last 33 years and a half, from the four-ninth share of the Mohsin Fund, as his predecessor in office obtained in 1875 through the kindness of the Government.

That your humble petitioner as in duty bound shall ever pray.

No. 4464, dated Calcutta, the 20th November 1908.

From—F. W. DUKE, Esq., I.C.S., C.I.E., Offg. Chief Secretary to the
Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, Lower Provinces,
Land Revenue Department.

I am directed to say that Nawabzada Saiyid Ashrafuddin Ahmad, Khan Bahadur, Mutwalli of the Hooghly Imambara, having applied for permission to retire from his appointment of the Mutwalliship and for grant of a pension, His Honour the Lieutenant-Governor is pleased to sanction the grant to Nawabzada Saiyid Ashrafuddin, Khan Bahadur, with effect from the date on which he retires, of a pension of one half of the one-ninth share of the Mohsin Endowment Fund, which is at present allowed to the Mutwallee as his salary.

2. His Honour is also pleased to appoint Saiyid Ali Nawab, son of the retiring Mutwallee, to be the Mutwalli of the Hooghly Imambara on a salary of the other half of the one-ninth share so long as his father lives. An addition may be made to the salary of Saiyid Ali Nawab of anything that can be annually spared from the four-ninths share, which addition shall not exceed Rs. 1,111 per annum.

3. The above orders are subject to the condition that the retiring Mutwallee shall usually reside at Hooghly and assist and advise his son in the management of the Imambara and conduct of his duties.

The Accountant-General, Bengal, will be informed.

No. 4464½.

Copy forwarded to the Accountant-General, Bengal, for information.

By order, etc.

(Sd.) A. H. LEY,

Under-Secretary to the Government of Bengal.

Telegram, dated the 4th December 1908.

From—Hooghly.

| To—Calcutta.

From—Saiyid Ashrafuddin.

To—Bengal (Revenue).

Made over charge to-day to new Mutwalli in Collector's presence.

From

The Members of the Committee of Management
of the Hooghly Imambara,

To

The Chief Secretary to the Government of Bengal,

10, Hungerford Street,

Dated Calcutta, the ^{2nd}_{4th} January 1909.

SIR,

We have the honour to state that we have received a letter No. 1022 from Nawabzada Syed Ashrufuddin Ahmed, Khan Bahadur, the late Mutwalli of the Hooghly Imambara, forwarding a copy of the Government order No. 4464, dated 20th November 1908, appointing Mr. Syed Ali Nawab to the post of the Mutwalli of the Hooghly Imambara in the place of his father who has retired on pension.

2. The letter came on us as surprise for we venture respectfully to think that the Committee should have been given an opportunity by Government to express their views regarding the appointment, and to nominate a qualified and suitable Shia gentleman from among the candidates who might have offered themselves for the post, if the retirement of the late Mutwalli had been made public.

It is known to Government that the Committee has a supervisory control over the management of the Imambara and is responsible for the proper disbursement of large sums of money, and the due performance of the religious ceremonies, which emphatically require the offices of a Shia Mahomedan—one of whose Shiaism there is no ground for doubt, and whose family history and connections, ability, education and conduct may qualify him to hold this important post of trust, and who would inspire complete confidence in the minds of the Shia community.

3. The Committee thinks it is its clear duty to invite the attention of Government to sections 13 and 14 of Regulation XIX of 1810 and to sections 7 and 22 of Act XX of 1863, which provide that it is for the Committee to appoint a Superintendent or Manager to the Institution, managed by a Committee under the said Acts.

4. The appointment of Mr. Syed Ali Nawab we regret to say has naturally caused widespread dissatisfaction and disappointment among the Shias, for it is unfortunately undoubtedly the fact that he is not believed by the Shias to be a Shia at all. Nor do his youth, the religious traditions of his family, his connections, and his want of education commend him to the Shia community as a person who should be appointed to a position of such trust, responsibility, and

eminence as the Mutwalliship of the greatest Shia Religious Institution in Bengal as the Hooghly Imambara, the holder of which is entitled to $\frac{1}{9}$ th share of the Trust Fund, amounting to the large sum of about Rs. 600 a month, in addition to free quarters, servants, etc. The Community, we may assure the Government, is dismayed and staggered at the appointment of Mr. Syed Ali Nawab.

5. In these circumstances, the Committee finds itself in very awkward position and feel bound in conscience and in the discharge of duties to lay the facts before Government, and trusts that the matter, which is of vital importance to a large section of His Majesty's most loyal subjects will receive due consideration of Government.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) M. SHUJAT ALI,

(Sd.) GHOLAM MOHAMMAD,

(Sd.) SYAD YUSUF ALI,

Members of the Committee.

Revenue Department,

(Miscellaneous.)

Nos. 259-62.

From

F. W. DUKE, Esq., I.C.S.,

Offg. Chief Secretary to the Government of Bengal,

To

(1) SAIIYID' ALI GHAZANFER,

Honorary Secretary, All-India Shia Conference, Lucknow,

(2) MUZAFFAR ALI KHAN,

President, Anjuman Jafarya, Muzaffarnagar,

(3) M. A. Z. ALI,

Barrister-at-Law, Alipore, Calcutta,

(4) AGHA MUHAMMAD MAHDI TEHRANI,

President, Shia Association, Chinsura.

Dated Calcutta, the 15th January 1909.

SIR. *

I am directed to acknowledge the receipt of your telegram,
dated the ^{(1) 29th November 1908}
^{(2) 2nd December 1908}
^{(3) 27th November 1908,} regarding the appointment of Saiyid Ali
^{(4) 26th November 1908.}
Nawab to be Mutawali of the Houghly Imambara.

2. In reply, I am to inform you that the Lieutenant-Governor is sensible of the public spirit and devotion to the interests of your faith which has animated you in making these representations. The post of Mutawali is of very great importance to the realization of some of the objects of the pious founder of the Mohsin endowment; and it is the plain duty of Government to exercise the greatest care in selecting the occupant, that he may not only possess the requisite administrative ability, but should also have those other qualities which would have commended him to the founder. Accordingly, before he proceeded to make the appointment, no pains were spared by Sir Andrew Fraser to satisfy himself regarding the qualifications of Saiyid Ali Nawab; and Sir Edward Baker is satisfied from his own enquiries that time will show the error of the apprehensions now

expressed about the principles of his religious creed and his lack of experience in affairs. The welfare of the Hooghly Imambara and its success in realizing the patriotic aims of its founder are an essential element in the fortunes of the Muhammadans of Bengal; and it would afford much gratification to the Lieutenant-Governor, were all members of the Shja body to unite in the promotion of its prosperity.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) F. W. DUKE,

Offg. Chief Secy. to the Govt. of Bengal.

No. 308.

GOVERNMENT OF BENGAL.

REVENUE DEPARTMENT.

To

M. Sujat Ali, Khan Bahadur, M. Gholam Mohammad, M. Syed
Yusuf Ali.

Dated 20th January 1909.

GENTLEMEN,

I am directed to acknowledge the receipt of your letter dated the 4th January 1909, on the subject of the appointment of Syed Ali Nawab to the post of Mutwalli of the Hooghly Imambara.

In reply, I am to point out that it is a misapprehension to suppose that the provisions of law referred to in your letter apply to you in respect of the appointment of Mutwallee of the Hooghly Imambara. This is entirely in the hands of Government which is under no legal obligation to consult the members of the Imambara Committee or any other association or individual.

I have, etc.,

(Sd.) F. W. D.

Chief Secretary to Government.

Dated Calcutta, the 22nd January 1909.

From—Shams-ul-ulama Sheikh Mahnud Gilani, President, Hooghly Imambara Defence Association.

To—The Chief Secretary to the Government of Bengal, Revenue Department.

I have the honour to submit a memorial (with four spare copies) from the Shia public, to which are attached the opinions of the Shia Ulamas, signatures of Shia gentlemen, and telegrams and letters from different Shia centres in India; and I would respectfully request you to be so kind as to lay the memorial, with accompaniments before His Honour the Lieutenant-Governor of Bengal for favour of submission to His Excellency the Viceroy and Governor-General of India, with such kind and favourable remarks as may appear necessary and desirable. I have also sent advanced copies of the memorial to the Private Secretary to His Excellency the Viceroy and Governor-General of India.

I would like to explain that, as the order appointing Mr. Saiyid Ali Nawab, Mutwalli of the Hooghly Imambara, was made by the Government of Bengal although not by the present Lieutenant-Governor, the memorial, which appeals against that order, is addressed to His Excellency the Viceroy.

To—HIS EXCELLENCY THE RIGHT HON'BLE SIR GILBERT JOHN ELLIOTT MURRAY KYNYNMOUND, P.C., G.M.S.I., G.M.I.E., G.C.M.G., EARL OF MINTO, Viceroy and Governor-General of India.

Dated Calcutta, the 21st January 1909.

The humble memorial of the Shia Muhammadans of Calcutta, Hooghly, Murshidabad, Dacca, Patna, Bhagalpur, Chapra, Jaunpur, Lucknow, Lahore, Bombay, Madras, etc.,

Most respectfully sheweth.

1. That the Shia Muhammadans in India generally, and in this part of the country particularly, are greatly agitated by the appointment of Mr. Ali Nawab as the Mutwalli (Agent) of the Imambara in Hooghly. The administration of the Hooghly Imambara by Khan Bahadur Maulvi Saiyid Ashrafuddin Ahmad, father of the new mutwalli, has been open to such serious objections that the Shia community has been waiting to see him succeeded, on his retirement, by an able and true Shia gentleman of requisite qualifications. But as the qualifications of the new mutwalli do not compare favourably even with those of his father, the whole Shia community is naturally surprised and pained to find that Sir Andrew Fraser, few days before his retirement, had conferred the appointment on Mr. Ali Nawab, who

is not competent in any way to hold the post of the mutwalli of the Hooghly Imambara.

2. That a public and representative meeting of the Muhammadans of the Shia sect consisting of princes, noblemen, merchants, Ulamas and others, was held on 13th December 1908, in the Bara Imambara in Portuguese Church Street, in the town of Calcutta, to consider the subject of the sudden and unexpected appointment of Mr. Saiyid Ali Nawab to the responsible and important post of Mutwalli or "Agent" of the Hooghly Imambara which is an old, great and much venerated Shia institution. *The meeting unanimously resolved to submit a respectful protest against the said appointment, on the grounds that Mr. Saiyid Ali Nawab was a Sunni, and a mere youth of no experience and but little education. The meeting further resolved to submit a memorial to Government for the consideration of the matter. We, the undersigned Shias, therefore, respectfully venture to approach Your Excellency, and beg leave to submit this memorial, as an appeal on our own behalf, and on behalf of the other Shias who have expressed their sympathy and desire to co-operate with us by sending letters and telegrams, and notably by passing a resolution on the 27th ultimo, in the all-India Shia Conference in which about five thousand respectable and representative gentlemen from different parts of India assembled in Lucknow and unanimously passed a resolution to express their disapproval of Mr. Ali Nawab's appointment.*

3. The appointment of a Sunni gentleman to manage a religious institution of the Shias is not only incompatible with the sympathetic, genuine and legal performance of their religious rites and ceremonies, but is opposed to Government policy, and is in contravention with the deed of endowment under which the Imambara is established. The two sects differ in their religious belief, in their personal laws, in their daily prayers, and in their rites and ceremonies. Your Excellency may be surprised to hear that in the mosque of the Sunnies in Calcutta, either in Lower Chitpore Road, or in any other Sunni mosque, it is not possible for a Shia to say his prayer; he would be turned out at once. These points, we think, are so pertinent that even if it be not fully proved (which we say for argument's sake only) that Mr. Saiyid Ali Nawab is really a Sunni, we are entitled, we submit, to point out that it is undesirable and painfully repugnant to our religious feelings, to appoint a person about whose actual religious belief there is any doubt at all. Mr. Saiyid Ali Nawab's retention in his present post is neither desirable nor unavoidable. He cannot claim to have the post as of right, for there is nothing either in the deed of endowment or in practice to support the question of right. A right man in the right place is a sound policy. A Presbyterian or a Baptist in charge of a church of the Church of England would be out of the question, and a Shia manager of a Sunni religious institution is unheard of and must raise a storm of opposition throughout India. The management and supervision of the religious ceremonies of the Shia by a Sunni is not only opposed to equity and justice, but is altogether disallowed by the Shia law, as a reference to the translation of the

annexed fatwas (opinion) of the Shia Ulamas of recognized authority, respectively marked A, B, C and D will conclusively prove.

4. With your Excellency's permission we beg to give a brief history of the Hooghly Imambara. In 1806, Muhammad Mohsin, a Shia gentleman of Persian origin, created a wakf and appointed two Mutwalis or Trustees each of whom was to receive one-ninth share of the proceeds of the endowed property, three-ninths share was set apart for religious purposes and the remaining four-ninths share for secular purposes. The two Mutwalis, however, did not discharge their duties honestly, but misappropriated the trust money. Consequently Government attached the estate under Regulation XIX of 1810, and six years after removed the two mutwalis for mismanagement. This action of the authorities stood the test of an appeal to the Civil Courts, with the result that in 1817 the estate was brought under the immediate management of the Government, which, assuming the position of the two Mutwalis under the deed of endowment, appointed an "Agent" or Mutwali to administer the affairs of the Imambara and placed the management of the estate in the hands of Government officers. The successive Mutwallis were paid by Government one-ninth share of the estate as their salary and three-ninths share for religious purposes, and about Rs. 800 a month out of the four-ninths share for secular purposes *plus* the income of the Testator's private properties in Kidderpore and other places, which Government gave to the Imambara as trust, their being no heir of the testator. This last fund is called the Kharij-Towlout Fund. The large balance of the income of the endowment is spent by Government for the education of the Muhammadan boys in the two Bengals. The above arrangement continued till the retirement of Mutwali Syed Keramat Ali. But in 1875, when the father of the new Mutwali was appointed, the aforesaid four kinds of funds were made over by Government to a Committee of Management under Act XX of 1863. The orders making over the said funds to the Committee are contained in paragraph 2 of the letter No. 746 A., dated the 23rd December 1875, from the Secretary to the Board of Revenue, to the Secretary to the Government of Bengal, Land Revenue Department, and in paragraph 3 of letter No. 219, dated the 26th January 1876, from the Secretary to the Government of Bengal, to the Secretary to the Board of Revenue.

5. The Committee of Management of the Hooghly Imambara, being a supervisory and controlling body, was naturally expected, we respectfully think, to have a voice in the appointment of the Mutwali. But the father of the new Mutwali was fully aware that if the question of his son's candidature for the appointment was known, a great opposition would be raised by the Shia public, and would also be objected to by the Committee of Management. In fact, the committee addressed a letter, in the beginning of 1906, to the Collector of Hooghly, to enquire whether the then Mutwali had applied for leave and had nominated anybody to officiate for him. This letter, we think, indicated that the Committee was justly interested in the settlement of the question of a successor to the retiring Mutwali. But, as, it was

against the interests of the late Mutwali, he is reported to have purposely ignored the Committee in this connection.

6. As to the power of the Committee to appoint the Mutwali, we would respectfully invite your Excellency's attention to section 22 of Act XX of 1863, and would also beg, with your Excellency's permission, to quote the following extract from letter No. 209A., dated the 8th April 1875, from the Secretary to the Board of Revenue, to the Secretary to the Government of Bengal, Revenue Department—"I am to take this opportunity to point out that when once a Committee is constituted, it will be for such Committee to appoint a successor on the occurrence of a vacancy in the office of the Superintendent. This is evident, if section 7 of Act XX of 1863, be read together with sections 13 and 14 of Regulation XIX of 1810." We have no doubt that the above facts were not placed before Government when the appointment of the new Mutwali was under consideration, for then the appointment would not have been made.

7. We would respectfully beg to bring to your Excellency's notice that the question as to whether Khan Bahadur Maulvi Saiyid Ashrafuddin Ahmad, the father of the new Mutwalee was really a Shia or not, was discussed when he offered himself as a candidate for the post in 1875. The Collector of Hooghly and the Commissioner of the Burdwan Division both held, in most unequivocal language, that he was a Sunni and that as such his religion was "an insuperable obstacle to his appointment." But the Secretary to the Board of Revenue, in his letter No. 349A., dated the 5th June 1875, relying simply on the words of Munshi Amir Ali, father of Mr. Ashrafuddin Ahmad that "he and all his family are and have always belonged to the Shia sect." recommended his appointment. The Shias, however, were not prepared to accept the uncorroborated testimony of a father in favour of his son. There was no doubt that the family was a Sunni family; for, besides other facts, the very style of the Sunni graves in the family burial ground of Munshi Amir Ali at his native place in Barh, proclaims the fact that the family is a Sunni family. It was, however, not, impossible that Munshi Amir Ali, having been long in the service of the late King of Oudh, had turned a Shia, and his son Mr. Ashrafuddin Ahmad, had also become a convert to the Shiaism, and so it was left to time to reveal Mr. Ashrafuddin's faith, and time has done its work, and events and circumstances have conclusively proved him to be a Sunni. The events and circumstances which have proved him to be a Sunni are, amongst others, the following:—

- (a) He has been on bitter terms with the Shia employés of the Imambara;
- (b) He buried his father, Munshi Amir Ali, as a Sunni;
- (c) He gave the hand of his daughter to Salamat Ali Khan, a Sunni zamindar of Chittagong, though such union is illegal under Shia law;
- (d) His second brother, the late Afzal-ud-din Ahmad, was buried as a Sunni, though Munshi (afterwards Nawab) Amir Ali

assured the member of the Board of Revenue that all the members of his family were Shias ;

- (e) He put his son, the new Mutwali under Sunni tutors and never taught him the principles of the Shia religion ;
- (f) He married his son, the new Mutwali, in a Sunni family ;
- (g) He has never taken any interest in the Shia rites and ceremonies observed in the Imambara ;
- (h) He has been holding maulood (Prophet's birthday anniversary) in the Imambara strictly according to the Sunni style which differ entirely from the Shia style ;
- (i) He has tried, in his writing, to show that the testator Muhammad Mohsin was not a pronounced Shia, but had only a leaning towards Shiaism, as the following translation from page 71 of his book named "Tabakat-i-Mohsinia" will fully illustrate :—"In religion his (Muhammad Mohsin's) mind was very much inclined to jafari (i.e., Shia) religion ;"
- (j) Not long ago he gave offence to the Shias by hanging on the door of the Imambara the translation of a Government notification, in which the word "Tariff" was translated by him in Persian as Jizia, regarding which the following letter of Colonel Phillot, a great Persian scholar, addressed to Nawab Syed Nasir Hussain, will speak for itself :—

" Board of Examiner's Office,
Calcutta the 25th June 1909.

DEAR SIR,

The word Jizia was of course applied to a poll-tax levied on Christians and Jews (Ahl-i-Kitab). It is doubtful whether the word can properly be applied to even Hindus. At any rate it cannot be applied to Muslims. In the Tajul Lugat "Dictionary" the following hadis is quoted—'Laisa Ala Muslim-in Jizytun.' Perhaps the translator was a facetious Sunni.

Yours sincerely,
D. C. PHILLOT."

We hope Your Excellency will see that the above facts entirely demolish the assurance given by Munshi Amir Ali to the Member of the Board of Revenue, as stated above that "he and all his family are and always have belonged to the Shia Sect."

8. The Shia public submitted to Mutwallee Ashrafuddin Ahmad's appointment, not in consideration of his being a member of a Shia family, but on the supposition that he might have become a Shia. For some time after his appointment he took care to conceal his real feelings ; but it was rather late when his Sunnism and mismanagement became established. Then there was grief and dissatisfaction among the Shias. Their feelings were ventilated in newspapers and formed

subject of discussion in the Shia community and in the different Shia Associations, several of which passed resolutions to put on record their sense of dissatisfaction. There was constant friction between the Mutwallee and the Shia employés of the Imambara. Some of the members of the Managing Committee were also dissatisfied and among them the late Syed Muhammad Ali Shoostari and Khan Bahadur Maulvi Dilwar Hussain Ahmad, late Inspector-General of Registration, were so much dissatisfied that they resigned their membership. The only hope of better days lay in the retirement of the later Mutwallee.

9. We submit that it follows as a law of natural sequence, that Mr. Ali Nawab being brought up in the company of his father, is in reality a Sunni, although he pretends to be a Shia, for the sake of the lucrative appointment to which he could not otherwise aspire by reason of his education and ability; his mother is a Sunni, and he is himself married in a Sunni family. He has been always under Sunni tutors, to minimise which important fact his father has placed him after his appointment, under a Shia employé of the Imambara to initiate him into the principles of the Shia religion, though apparently the real motive is to reconcile the feelings of the Shias. He (Mr. Ali Nawab) has inserted a passage, without any comment, on page 48 of his pamphlet "The Centennial Celebration of the Mohsin Endowment," stating that the testator, Muhammad Mohsin, was a Sunni.

10. Besides the serious objection from a religious point of view, the new Mutwallee is unqualified by reason of his youth and want of proper education. He is about 22 years old, and knows little of English, very little of Persian and nothing of Arabic. He managed somehow or other, to reach the Entrance class of the Hooghly Collegiate School, but he does not possess even the qualifications of a student of that class, for he was twice plucked in the Entrance Examination of the Calcutta University, and had to give up further attempt in that direction.

11. We are told that the late Mutwallee relies on his long service in the Imambara and on his loyalty to Government. As to his claims on account of service and loyalty we would point out that the Mutwallee Syed Keramat Ali had longer service and could point to greater loyalty which he showed at the risk of his life by safely conducting Captain Conolly through Persia and Afghanistan, and by serving subsequently in the Afghan War. He did not, however, think of naming any one of his kith and kin for the post. We can quote numerous examples in which loyal persons have been told by Government to qualify their sons for post of much less value. The pay of the Mutwallee of the Hooghly Imambara is Rs. 650 a month, with free quarters and other advantages. Any claim contrary to the wise principles laid down by Government for conferring posts of responsibility can hardly be admitted, specially when the claim is calculated *to work detrimentally to a religious institution of which Government is only the Trustee.* The late Mutwali has got a pension, and

that is the reward of his long (and well-paid) service, and he has got honour and title, and these are the rewards of his loyalty. He may very well count on the liberality of Government for a post suitable to his son. But his son is not qualified to fill the post of the Mutwali of the Hooghly Imambara, for the duties of the Mutwali of the Hooghly Imambara entail serious responsibilities. He is responsible for the proper observance of the religious recital in Arabic and Persian, which it would be impossible for him to comprehend. He has to conduct the religious rites and ceremonies in a manner that may be in keeping with the Shia religion. He has to keep accounts in Persian, which he does not know. He has to control a large number of servants. He has to supervise the duties of the officers of the Imambara. He has to disburse large sums of money with care and good discretion. He has neither the years that bring discretion nor the education which command respect.

12. The unfitness of the new Mutwali to do the work of his post is admitted both by his father and himself, for the appointment has been made subject to the condition that the father will usually reside at Hooghly to assist his son in the discharge of his duties. But we submit that the safeguard so provided is very risky and precarious. Moreover the capacity of the father himself to do the work properly has never been of a convincing nature, and he has failed to successfully manage the institution entrusted to his care. An apprenticeship under him is not promising. What can be expected from a son who is to receive his training from a father whose capacity for work, we regret to say, may be judged better by reference to records than by mere statements. About four years after his appointment in 1875, he began to draw money from the Imambara Treasury and from 1879 to the end of 1896, he drew no less than Rs. 55,934 on the allegation that his predecessor used to do so, but his predecessor drew and repaid small amounts on two or three occasions only, bequeathing to the Imambara valuable immoveable property and a large library which is now, unfortunately, in a deplorable and decaying condition. The process of drawing the money remained a sealed letter till the cashier of the Imambara, for reasons known to him, filed a suit in the Court of the District Judge of Hooghly for account. The District Judge referred the matter to the Committee of Management of the Hooghly Imambara. The Committee, on the alleged want of fund, did not get the account examined by a competent and independent auditor, though, we cannot help remarking, thousands of rupees have been spent on items which were neither necessary nor unavoidable. As the Mutwali was an insolvent and had given no security, it was only right to have the accounts audited. The Committee, however, appointed a sub-committee of its own to examine the accounts. The sub-committee reported that the major portion of the aforesaid sum had been repaid by the Mutwali from time to time, and that a sum of Rs. 12,701-10-10 was due by him. Out of this sum the Mutwali was directed by the Committee to pay Rs. 5,989-13 by instalments of Rs. 150 a month, and the remaining sum of Rs. 6,711-13-10 was remitted to him by a majority of

the members of the Committee, on the extraordinary ground that the mutwali had paid the sum to the Imambara by way of nazarana (offerings), for which he claimed credit on taking of the accounts. The nazarana, however, was said to consist in payment by the mutwali to needy persons and such other items, but was never paid in cash and so the amount was lost to the Imambara at any rate. This is not all. A large sum of money, Rs. 19,764 was received as compensation for the Imambara land acquired for the Kidderpore Docks. This sum, if invested, would have made good the loss of income occasioned by the acquisition of the land but the whole of it was unfortunately spent by the mutwali for so-called religious purposes, on the remarkable allegation that the income from the aforesaid three-ninths share fund being insufficient to meet the religious expenses, the money was borrowed from the aforesaid Kharij Towleut Fund, to be repaid by an annual instalment of Rs. 250. Well did Mr. Finucane remark in his letter No. 716 T.—R., dated the 11th October 1898, addressed to the Members of the Committee of Management of the Hooghly Imambara :—“Unless the preparation of a budget is to be the means of equalizing the estimate of income and disbursements, the formality of preparing one might as well be dispensed with, and when a deficit is deliberately budgetted for, the Lieutenant-Governor is not surprised that the Committee should habitually find itself in a state of insolvency.” As a natural sequence to such management by the head of the Imambara, his subordinates continued for years to appropriate to their own use large sums of money which they realized as the rents of the Imambara properties. It was after a long time that the Committee of Management appointed an outsider, named Munshi Kefayatullah, to find out how money was due by the several officers of the Imambara. It was a bad time for the Imambara, but it was the good fortune of the mutwali that the members of the Committee were either incapable or indulgent towards him, and that Mr. Amir Ali, the President of the Committee, was a friend of his from the time he put up with the mutwali's father in the sixties, and was too busy in his professional and judicial works to spare sufficient time for the affairs of the Imambara. The old record, the religious paraphernalia and valuable library have all been allowed to fall into ruin and decay, as may be easily proved, if the retiring mutwali be ordered to make over the charge properly. The continuance of the new mutwali in office is calculated to bury the above facts into oblivion and to make mismanagement worse by further mismanagement.

13. We would further beg leave to submit to your Excellency that the mutwali of the Hooghly Imambara has no right to nominate his successor. The question was clearly set at rest in letter No. 64 A., dated the 8th February 1875, from the Secretary to the Board of Revenue, to the Chief Secretary to the Government of Bengal, Revenue Department, in paragraph 6 of which it is stated :—“The mutwalis, in fact, a servant of Government, who represent both mutwalis under the Trust, and is, therefore, no more entitled of right to nominate a successor than any servant on the Imambara establishment.” The Committee of Management, as stated in paragraph 6 of this memorial, are

the persons, the Government itself has decided, shall nominate the mutwali who should be the "*ablest and most rightful*," as laid down in the wakfnama of the Testator.

14. We may also be allowed to state that in accordance with the terms of the wakfnama and the policy of Government as contained in Government letter No. 501, dated 23rd August 1879, the pay of the Mutwalli is fixed to be one-ninth share of the income of the Trust Estate, and therefore, the arrangement by which the former Mutwalli is to get half of one-ninth as his pension and his son, the other half as his pay, is not conformable to Government order, and is perhaps suggested by the former Mutwalli as a convenient arrangement to attain the object he has had in view, namely, the Mutwalliship of the Hooghly Imambara for his son.

15. The most important grounds, amongst others, on which the appointment of Mr. Saiyid Ali Nawab is objected to by the Shias, may be shortly summed up as follows :—

- (a) He is not, we honestly believe, and hold, a Shia as respectfully stated in paragraphs 7 and 9 of this memorial.
- (b) Even if he were a Shia, his family history, his antecedents, his connections are all Sunnis, in consequence of which he is disqualified for the post of the Mutwalli of the Imambara as held by the Shia Ulamas in the annexed Fatwas.
- (c) He cannot claim to retain the post as of right, for there is nothing to support such a claim, either in Law or in the Deed of Endowment.
- (d) Under sections 7 and 22 of Act XX of 1863, and in accordance with Government letter referred to in paragraph 6 of the memorial, the appointment of the Mutwalli rests with the Committee of Management, to whom, however, the late Mutwalli purposely made no reference in the matter.
- (e) He is a mere youth of no experience and capacity for work, as is clear from the fact that his appointment is subject to the condition that his father is to reside usually in Hooghly to assist him. We submit that the administration of the Imambara by the father himself has been a total failure, as stated in paragraph 12 of this memorial.
- (f) He knows only a little of English, very little of Persian and nothing of Arabic. He twice failed to pass the Entrance Examination.
- (g) The appointment is not hereditary, but is subject to the condition, as laid down by the testator in the deed of endowment, that the successor to the Mutwallis should be the "*ablest and the most rightful*" man, a condition which, we respectfully submit, proves the necessity of selecting the best available Shia Muhammadan.

16. We fervently hope that Your Excellency will be graciously pleased on a consideration of the facts we have placed before Your

Excellency, to pass such orders as will enable us to enjoy our rights with good conscience, in peace and in harmony, a blessing which happily every one enjoys in the benign British rule.

17. We pray that Your Excellency will be graciously pleased to order the appointment of a Shia Mutwalli of undoubted Shia descent, of admitted Shia belief, of education and ability and thus put an end to grave dissatisfaction, and confer on the Shias a boon which they will ever remember with boundless gratitude.

And your Excellency's humble memorialists, as in duty bound, will ever pray.

SHAIKH MAHMUD GILANI AND OTHERS.

No. 221.

Transferred to the Government of Bengal for favour of disposal, in continuation of the Home Department endorsement No. 1473, dated 11th December 1908.

By order, etc.,

(Sd.) P. W. MONIE,

Under-Secretary to the Government of India,

HOME DEPARTMENT

(JUDICIAL)

Calcutta, the 11th February 1909.

From

The President, Hooghly Imambarah Defence Committee,

To

The Private Secretary to His Excellency the Viceroy.

23, Lower Chitpore Road,
Calcutta, the 30th January 1909.

SIR,

In continuation of my letter dated the 21st instant forwarding four copies of the Memorial from the Shias of India regarding the Mutwalliship of Mr. Ali Nawab, I have the honour to send you a copy of another telegram which I have received from the President, All India Shia Conference, and hope you will be pleased to forward the same to the Home Department for official consideration.

I have the honour to be,

SIR,

Your most obedient servant.

(Sd.) SHAMSUL-ULAMA SHAIKH MAHMUD GILANI.

Copy of a telegram from Lucknow.

To President, Hooghly Imambara Defence.

26th January 1909,

23, Lower Chitpore Road, Calcutta.

In last meeting all India Shias' Conference consisting five thousand representative Shias from all India have protested against the appointment of Ali Nawab, Superintendent, Hooghly Imambara. Conference have fully supported your Committee in their patriotic efforts, hoping you will convey our anxiety and desire to Government. Shias fully claim that our benign Government will remove complaint cause.

NAJMUL HUSSAIN MUJTAHID,
President, Conference.

No. 717, dated Calcutta, the 13th February 1909.

From—A. H. LEY, Esq., I.C.S., Under-Secretary to the Government of Bengal, Revenue Department,

To—The Commissioner of the Burdwan Division.

I am directed to forward herewith a copy of a memorial dated the 21st January 1909, from Shams-ul-ulama Shaikh Mahmud Gilani and others, addressed to the Government of India, appealing against the appointment of Saiyid Ali Nawab as the Mutwalli of the Hooghly Imambara. I am to request that the present mutwalli or his father may be asked for a report on the allegations made in the memorial which personally concern them, viz., those referred to in sub-paragraphs (a), (b) and (f) of paragraph 15 of the memorial. I am to add that the mutwalli or his father, would be at liberty to note on any other points referred to in the memorial which they think proper.

Dated Calcutta, the 27th February 1909.

From—SHAMS-UL-ULAMA SHAIKH MAHMUD GILANI, President,
Hooghly Imambara Defence Association,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

In continuation of my letter dated the 22nd January 1909, I have the honour to send you herewith a copy of the legal opinion of Messrs. C. P. Hill and Rasool, in reference to paragraph 6 of the memorial which I have submitted with my aforesaid letter and to respectfully request you to be so kind as to append this opinion with the said memorial, so that both the memorial and the legal opinion be placed before His Honour at one and the same time.

OPINION.

In our opinion the appointment by Government of Saiyid Ali Nawab is not a valid appointment, and is liable to be set aside by proceedings taken in the Civil Court under section 92 of the Civil Procedure Code. By section 2, Regulation 19 of 1810, the general superintendence of all lands granted for the support of mosques, etc., was vested in the Board of Revenue. By section 12 of the said Regulation the Local Agents were required to report vacancies to the said Board and to enquire how the succession was regulated. i.e., whether the succession had been by inheritance or whether the successor had been nominated by the founder or his heir or representative or by any officer or representative of Government or directly by the Government itself. In those cases in which the nomination had usually rested with the Government, or of right appertained to Government in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust, the Local Agents were empowered by section 13 of the Regulation to propose for the approval of the Board, a fit person to be a trustee, and section 14 of the said Regulation authorized the Board, to appoint such person or to make such other provision for the trust, superintendence and management as might be right and fit with reference to the nature and condition of the endowment. The question of the right of Government to dismiss a trustee was raised in the case of Wasik Ali Khan *versus* Government, reported in 5 S. D. R., page 363 (which related to this very endowment) and it was decided in favour of Government.

And there can be no doubt that Government continued to control the affairs of this endowment and considered itself entitled to appoint trustees thereof under the provisions of the Regulation.

The Religious Endowment Act, 1863, divided endowments into two classes, viz., (1) those in which the nomination of the trustee was vested in or might be exercised by the Government, and (2) those in which

the nomination of the trustee was not vested in, or exercised by the Government,—see sections 3 and 4 of the Act of 1863. As regards the second class, it was provided by section 4 that the powers of the Board should cease on the transfer of the trust property to the trustees except as regards such of trust property as was devoted to secular purposes in regard to which provision was made for the continuance of the Board's control by section 21.

As regards the first class, Government was directed by section 7 to appoint once for all a Committee to exercise the Board's powers, to whom by section 12, the trust property other than that referred to in section 21, was to be transferred, and in such transfer the Board's powers were to cease and determine. Section 22 declared that, except as provided by the Act (*i. e.* under Section 21), it should not be lawful for the Government or any officer thereof in his official capacity *inter alia* to nominate or appoint any trustee, manager or superintendent of the trust property. Government considered that this endowment was of a class specified in section 3, and in 1875 appointed a committee to superintend the affairs of the endowment, yet notwithstanding the appointment of such committee and after such appointment the Government appointed the late mutwalli.

The Committee had at that time been recently appointed, and we are informed that it had not taken charge of the property, and it may well be that the Board had not then transferred the trust estate to the Committee. If it had done so, the appointment of the late mutwali by Government would, in our opinion, have been *ultra vires* and invalid. In the circumstances above mentioned, however, this appointment was not challenged, but this omission on the part of the Committee would not entitle Government to act in contravention of the express prohibition contained in section 22, and the non-existence of a complete Committee at the present time would not revive the powers of the Government or justify Government in disregarding the prohibition contained in section 22.

If no complete Committee was in existence when the appointment of Saiyid Ali Nawab was made, the Civil Court, and the Civil Court alone, would in our opinion have power to appoint a new trustee.

2 The vacancies in the Committee not having been filled up, we think that at present the appointment of a Mutwalli rests with the court.

3 & 4. There is no provision in the towleutnamah as to the qualifications of a mutwali except that he should be able and righteous. Section 8 of Act 20 of 1863, provides that members of the Committee shall be appointed from among persons professing the religion for the purposes of which the mosque or the religious establishment was founded or is now maintained. Hajee Mohsin was admittedly a Shia, and it cannot be denied that the religion for the purposes of which the Hooghly Imambara was founded was the religion professed by the Shias. The Towleutnamah imposes on the Mutwali the duty *inter alia* of performing the Fatiha, *inter alia* to the Imams, a ceremony which would be repugnant to a Sunni and though ordinarily sectarian

differences would not constitute a disqualification for the mutwalliship, yet when services special to one sect are prescribed, the court would not ordinarily appoint a member of another sect, *see* Bishenchand Baswanb *versus* Saiyid Nader Hossain, L. R., 151, A. J. 8.

5. This is the question of fact which will have to be decided by the Court trying the case. The general opinion of the Shia community on this point will not, in our opinion, be of much value.

6. The Mutwalli's remuneration is fixed by the Towleutnamah, and neither the Government nor the Committee have, in our opinion, any power to increase or diminish the amount so fixed. The Court might possibly do so in framing a scheme for the management of the trust, but an alteration of the remuneration fixed by the deed of endowment is not within the competency of the Government or of the Committee.

(Sd.) C. P. HILL

(Sd.) A. RASUL,

The 17th February 1909.

Dated Tollyganj, the 8th March 1909.

From—MIRZA AGHA ZAKIR ALI (of Mysore. Family), Barrister-at-Law, Secretary, Shia Association,

To—The Chief Secretary to the Government of Bengal, Revenue Department.

I received your letter No. 261, Revenue Department (Miscellaneous), dated the 15th January 1909, on the 10th February last, the letter having been miscarried owing to the wrong address. I am sorry, as I was not keeping very well, I could not reply to it earlier.

I am afraid, in my representation I have not been sufficiently plain. or else the reply would have been more favourable. The profession of my faith coupled with the gravity of the situation, demands that I should do my duty—duty to the Government by submitting to it for reconsideration what I sincerely think it ought to reconsider in the interest of justice and equity, and duty to the faith I profess by seeing that under the all-protecting care of the Government its rights are not encroached upon. Actuated by these feelings, I once again approach the Government with a detailed and sufficiently plain exposition of the whole matter, and as the memorial from the Shia community is still under consideration, if you kindly explain the following facts to His Honour, I doubt not but that His Honour will see that matters have not either been fully reported to Sir Andrew Fraser or grossly misrepresented to him, when the question about the appointment of Mutwalli came up for disposal. The following are briefly the true statement of the whole affair.

In 1806, Muhammad Mohsin, a Shia gentleman of Persia, created a wakf and appointed two mutwallis, Rajab Ali Khan and Shakir Ali Khan (both Shias), to administer the wakf estate and superintend the performance of certain religious rites at his Imambara at Hooghly. The mutwallis after his death proved to be untrustworthy, and Government attached the estate under Regulation XIX of 1810. Without entering into the justification of this procedure I state what transpired.

Under the Regulation XIX of 1810, the Board of Revenue took charge of the estate and the general superintendence of the land under the wakf with the appointment of Mutwalli passed to them (*vide* section 2 of the Regulation). Under this Board and to help it to carry out the work entrusted to it, was appointed the Local Agent (*vide* section 8 of the Regulation) whose duties were to ascertain the particulars of all endowments, to report the names of the managers of the institutions with the authority under which they were appointed (*vide* sections 10 and 11 of the Regulation), to report all vacancies with full informations as to the pretensions of claimants, and to recommend fit persons, where nomination vested in and devolved upon the Government (*vide* sections 12 and 13 of the Regulation). This

continued to be the state of affairs till 1863 when Act XX of 1863 was passed.

Under the Act XX of 1863, Government divested itself of all the powers, duties and obligations which passed to it by the Regulation XIX of 1810 (*vide* the preamble and section 22 of Act XX of 1863). These powers, duties and obligations, after the passing of the Act, passed on to the Committee of Management, which thenceforth had the sole powers to appoint the Mutwallis on a vacancy occurring (*vide* section 7 of the Act).

Under the circumstances I beg you to kindly put the whole matter before His Honour the Lieutenant-Governor, with your kind recommendations and explanations and lend the whole Shia community your aid in the course of justice and equity and in the furtherance of a just claim.

No. 442, dated Calcutta, the 19th March 1909.

From—G. B. H. FELL, I.C.S., Deputy Secretary to the Government of India, Home Department.

To—The Chief Secretary to the Government of Bengal, Revenue Department.

The Government of India have received from Sheikh Muhammad Gilani and others a copy of a memorial, dated the 21st January 1909, protesting against the appointment of Mr. Ali Nawab as Mutwalli of the Hooghly Imambara. The original memorial has, they understand, been submitted through the Government of Bengal. I am directed to request that, with the Lieutenant-Governor's permission, the Government of India may be furnished with a report as to the facts of the case.

No. 1723.

GOVERNMENT OF BENGAL,
Revenue Department.

To

The Secretary to the Government of India,

Home Department.

Dated the 29th March 1909.

SIR,

With reference to your letter No 442, dated the 19th instant I am directed to state for present information that the memorial of the Shia Mahomedan community protesting against the appointment of Mr. Ali Nawab as Mutwalli of the Hooghly Imambara is under the consideration of the Lieutenant-Governor. The memorialists have raised the question of the legal competence of this Government to make the appointment and this has involved a long investigation of the legal history.

I have, etc.,

(Sd.) ILLEGIBLE.

No. 273 T.—R., dated Darjeeling, the 27th April 1909.

From—F. W. DUKE, Esq., I.C.S., Offg. Chief Secretary to the
Government of Bengal, Revenue Department.

To—The Commissioner of the Burdwan Division.

I am directed to forward a copy of a memorial, dated the 21st January 1909, from Shams-ul-ulama Shaikh Mahmud Gilani and others, addressed to the Government of India appealing against the orders of this Government appointing Saiyid Ali Nawab to be the Mutwali of the Hooghly Imambara. I am to request that the Mutwali may be asked to submit, in consultation with his father, the late Mutwali, any remarks which he may desire to make. The Lieutenant-Governor does not propose to go behind Saiyid Ali Nawab's own express declaration that he belongs to the Shia religion, but he is at liberty to make any observations on this point that may seem to him to be required.

2. I am also to request that in submitting the remarks of the Mutwali you will be so good as to favour the Lieutenant-Governor with your own opinion in the matter.

No. 336 T.—R., dated Darjeeling, the 30th April 1909.

From—F. W. DUKE, Esq., I.C.S., Offg. Chief Secretary to the Government of Bengal, Revenue Department.

To—The Secretary to the Government of India, Home Department.

With reference to your endorsement No. 221, dated the 11th February 1909, I am directed to state that a memorial, dated the 21st January 1909, addressed to His Excellency the Governor-General, was submitted to this Government by Shams-ul-ulama Shaikh Mahmud Gilani and others, members of the Shia Muhammadan community. It was an appeal against the orders of this Government appointing Saiyid Ali Nawab to be Mutwalli of the Hooghly Imambara on the retirement of his father. While the memorial was under consideration two letters were received enclosing the opinion of Counsel of good standing to the effect that Government has no legal right to appoint the Mutwalli and that the right of appointment vests in the Committee of Management appointed under Act XX of 1863. If this opinion be correct, Government will have to divest itself of all concern with the management of the Imambara and the appointment of its officers; and the appointment of Saiyid Ali Nawab as Mutwali will be void. This raises in a direct and acute form a very serious question which it has hitherto been the object of Government and of the leaders of the Muhammadan community to avoid but which must now be faced. It has been decided to obtain the best legal advice on the questions involved and, in the absence of the Advocate-General, the Legal Remembrancer has been instructed to consult the most eminent Counsel now in Calcutta. On receipt of his opinion, the Government of India will be addressed further on the subject.

No. 337 T.—R., dated Darjeeling, the 30th April 1909.

From—F. W. DUKE, Esq., I.C.S., Offg. Chief Secretary to the
Government of Bengal, Revenue Department,

To—The Superintendent and Remembrancer of Legal Affairs.

I am directed to invite your attention to the Lieutenant-Governor's order dated the 24th April 1909, on this office file about memorials against the appointment of Saiyid Ali Nawab as Mutwallce of the Hooghly Inambara, which is forwarded herewith and to request that you will be so good as to take counsel's opinion on the subject as desired by His Honour.

No. 20 R. G., dated Chinsura, the 27th May 1909.

From—D. J. MACPHERSON, Esq., C.I.E., I.C.S., Commissioner of the
Burdwan Division,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

In reply to your letter No. 273 T.—R., dated the 27th April 1909, I have the honour to enclose copy of a letter No. 51, dated the 20th instant, with enclosures, from the Collector and Local Agent, Mohsin Endowment, Hooghly, forwarding the remarks of Maulvi Saiyid Ali Nawab, the Mutwali of the Hooghly Imambara, and of his father, the late Mutwali, upon the memorial, dated the 21st January 1909, which has been addressed to the Government of India appealing against the order appointing Maulvi Saiyid Ali Nawab to the office of Mutwali.

No. 51—VI-2, dated Chinsura, the 20th May 1909.

From—B. DE. Esq., I.C.S., Collector and Local Agent, Hooghly,

To—The Commissioner of the Burdwan Division,

With reference to your memorandum No. 1 R. G., dated the 3rd May, forwarding Government letter No. 273 T.—R., dated the 27th ultimo, forwarding a memorial from Shaikh Mahmud Gilani and others against the orders of the Government, appointing Saiyid Ali Nawab to be the Mutwali of the Hooghly Imambara, I beg to submit herewith the Mutwali of the Hooghly Imambara's letter No. 291, dated this day, with its enclosures, and also a note of Nawabzada Sayid Ashrafuddin Ahmad, Khan Bahadur, late Mutwallee, with its enclosures.

No. 291, dated Hooghly the 20th May 1909.

From—MAULVI SAIYID ALI NAWAB, Mutwallee of the Hooghly
Imambara,

To—The Collector and Local Agent, Hooghly.

In compliance with your memorandum No. 32 of the 6th instant, and in deference to the order of His Honour the Lieutenant-Governor, I have the honour to submit the two statements with enclosures, marked A and B, in reply to the Shia memorial with a hope that you may be pleased to forward them with your own remarks in a confidential cover to our benign and just Government.

Copy of the new Mutwalli's (Maulvi Saiyid Ali Nawab's) remarks,
dated the 17th May 1909, on the Shia memorial.

I submit my remarks on the very long memorial against my appointment as mutwali. The memorial is full of irrelevant matter, which, I submit, do not require any explanation. From the memorial I find that the applicants have urged three objections to my

appointment: (a) that I am not a Shia, (b) that I have no experience, (c) that I am not sufficiently educated to understand and perform the duties of a mutwali.

With regard to the first objection, I am not required by Government to explain as my own open declaration that I am a Shia has been considered sufficient. But though I am not required to explain the first objection, yet I take the opportunity of solemnly declaring that I have been brought up as a Shia, and that I am Shia, and I shall remain a Shia.

2. With regard to the second objection, that I have no experience, - I submit that the duties of the Mutwali do not require any large worldly experience. The principal duty of the Mutwali is to supervise the performance of the different religious ceremonies, according to the Shia tenets, and he has also to supervise the expenditure of that portion of the fund which is kept exclusively for that purpose, namely, about Rs. 36,000 a year. I would here beg to state that I was born in the Hooghly Imambara building, and from my earliest years have been in the midst of the Hooghly Imambara religious ceremonies, and from the time I attained age of discretion I began to be acquainted with the methods of the Imambara management, and I have always assisted my father in the performance of his duty. I have also acted for him on more than one occasion during his absence on leave. Not a single act of mine has been found fault with during the several times I officiated. I claim that in point of experience I am a fitter man than an outsider; in connection with my alleged inexperience it may be said that I am young in age, I am 24 years and a few months, but when my father was appointed he was only 20, and the fifth Mutwali, Syed Zainuddin Hussain Khan, was only 18 years of age when he was appointed. The above two appointments clearly show that there is no restriction as regards age, as a condition precedent for this appointment. I have now been acting as a Mutwali since five and-a-half months, and I am in a position confidently to say that my management during this period has been satisfactory. During the above period the most important religious occasion was the performance of the important duties of the Mutwali in connection with the last Muhurram. The Government can ascertain from the Collector of Hooghly whether all the arrangements on that occasion were satisfactory. I feel sure that the Collector will report that in spite of the intrigues of some people who were trying to create unpleasantness and disturbances, in order that I may be found fault with, the Muhurram passed away in peace. I herewith enclose a copy of my Muhurram report which I submitted to the Collector.

3. The third objection is want of education. No university degree is required for the Mutwalliship. I know the English language sufficiently well to conduct the Imambara affairs. The accounts are kept both in English and vernacular, and I know English certainly very much more than is required for the English accounts. I can converse in English, and I am also able to correspond in that language

without any difficulty. The Mutwali is not a mujtahid or a pesh-nemaz. He is not required to lead the prayer or preach on the pulpit, as for that purpose a pesh-nemaz and few other zakarins and hadis khans are always present, and they are the permanent paid employés of the Hooghly Imambara. It is alleged that I am not an Arabic scholar; there is not a Muhammadan of any decent family who does know the ritual in the original Arabic language, and I am well versed in that.

4. I beg to submit that in the opinion of all reasonable men amongst Shias and Sunnis the principal qualifications for the post of mutwali of an important institution are good birth, sobriety, honesty and firmness of character. As no allegation has been made against me in respect of any of these qualifications, I am entitled to presume that in these respects I am well-qualified for the post.

5. I beg further to submit that the agitators not content with casting slur against me and my father, have ventured to vilify the memory of my deceased grandfather, the late Nawab Amir Ali, Khan Bahadur, C.I.E., of the Mutiny fame. The record in the Government office will prove the sacrifices made by the late Nawab, and the distinguished and loyal services rendered by him to the British Government; and it is, therefore, unjust on the part of the community to which he belonged and for which he did so much in his lifetime, to vilify his memory.

6. It is urged in the memorial that the Government has no authority under the law to make the appointment of the mutwali for which it has obtained legal opinion. It is a fact that Councils give opinion according to the facts that are laid before them. Is it not, therefore, possible that the learned Barristers may have been influenced on misrepresentation of facts, and thus misled into giving an opinion adverse to Government interest, and, therefore, adverse to the Mohsin Endowment and to its Mutwali.

7. In conclusion, I beg leave to submit copies of my certificates and a printed pamphlet, from which the Government will kindly see that my appointment as Mutwali of the Hooghly Imambara has given entire satisfaction to all sects and creeds in spite of this unhappy agitation.

Copy of the old Mutwali's (Nawabzada Saiyid Ashrafuddin Ahmad's) remarks, dated the 19th May 1909, on the Shia Memorial.

Reply to paragraph 1.—(1.) That it is not true that all the Shias are agitated against Saiyid Ali Nawab's appointment as the Mutwali of the Hooghly Imambara, as many of them have been induced to join this movement by means of bogus telegrams and letters from those interested people who are the candidates or relatives and friends of the candidates for the said post.

(2) That if Saiyid Ashrafuddin's management of nearly 34 years' standing was objectionable and unsatisfactory, why did the memorialists

not apply to the Government, or to the Court, during these years.

(3) That it is not a fact that the Government has hastily appointed Saiyid Ali Nawab; on the contrary, it was done in consultation with the Board, and after due consideration since 1907, of the mutwalli's previous applications, and other correspondence on the subject.

Reply to paragraph 2.—(1.) That the so-called public meeting of the Shias held on the 14th of December 1908, was chiefly attended by those who were and are the candidates and their followers, and also by Mirza Shujat Ali Khan Bahadur, Sahebzada Gholam Mohammad and Saiyid Yusuf Ali Khan, with their adherents. The meeting was presided by Shaik Mahmud Gilani, a well-known insolvent and a preacher who was supported by the mutwalli very often from the Imambara fund, and once from the Muhammadan Association, Hooghly. The notice of the meeting was signed by Nasir Husain Khan Khyal and a few other interested persons who belong to the Anjuman Mutazavi of Calcutta, which has always been hostile to the mutwali, and has constantly assisted the old agitation, since the advent of the preachers named in the margin.

Shaikh Salamat Ali and Mirza Hedayat Shirazi.

(2) That in the Shia conference of 1907 at Lucknow a resolution was passed on the motion of the Calcutta delegates that the Mohsin's endowments should be included in the proposed enquiry of wakfs all over India, and from that time the Calcutta agitators regularly communicated with the Lucknow Conference on the above subject, and when the question of the appointment of Mr. Ali Nawab was put before the said conference by the Calcutta delegates, it was one of the subjects of their resolutions on the 27th of December 1908. It may be noted that in this conference Sahebzada Gholam Muhammad and Mr. Nasir Hossain Khan Khyal and also Saiyid Yusuf Ali Khan, with their followers, attended and not a single delegate attempted to explain anything accurately about the new mutwalli's appointment. Hence this Shia memorial of Calcutta was supported by the said Shia Conference, on *ex-parte* statements and misrepresentations of facts. The foreign Shias were further given to understand that the object of the Calcutta agitation is to get back the entire Mohsin Endowment, as it is managed contrary to the wishes of the donor.

Reply to paragraph 3.—(1) Paragraph 3 of the memorial is misleading, and contrary to the actual facts, as since the time of Hazi Mahomed Mohsin, the donor of the Mohsin Endowment, both Shais and Sunnis, and also Hindus, were employed, both in the estate and in the Imambara; and the Government after the decision of the Privy Council in its favour in 1835, revised the donor's will and followed the above practice up to this time. It is worthy of remark that both Rajab Ali Khan and Shakir Ali Khan, the first and second mutwallis, who were appointed as mutwallis under the will of 1806, were converted to the Shia sect and who left numerous relatives, partly

Shias and Sunnis, who received pension from the Mohsin Endowment. Pension list is enclosed, marked A.

(2) In former times and some twenty years ago there existed no such bigotry or sectarian feeling between the two sects in spite of the fact that they have differed in their religious rites and ceremonies. The present tension is the result of the preaching of certain bigoted Molas of both sects, which has made the two sects so weak before other creeds in India. At the holy shrine of the Shias at Samera Shareef in Turkey in Asia, the trustee of which is a Sunni, there exist no such ill-feeling between the two sects. It is only in India, and since the last twenty years, that hatred between them has arisen and taken root.

(3) Government will be astonished to learn that in the Dharamtala Mosque of Calcutta which is a Sunni endowment, created by the late Prince Sir Golam Mahomed, K.C.S.I. (a well-known Sunni nobleman), his great grandson, Sahebzada Golam Mohammad, who is a Shia, is the mutwalli. Again the Nawab of Dacca, who is a well-known Sunni, is the trustee of the Shia Endowment called "Hosaini Dalan." It is said that this Shaik Mahmud Jelani and his Shia friends congratulated the Nawab of Dacca in respect of the above Hussaini Dalan wakf's management by the said Nawab.

(4) It is easy to get Fatwa from the Ulamas of the present time. Anybody can apply for a Fatwa to them according to his own version and the Mugtahid is required to give his opinion on the same. For example, some fourteen years ago, the mutwalli applied to the Lucknow Mugtahid Saheb for an order in his favour, copy of which in vernacular is enclosed, marked B; yet the mutwalli's enemies call him a Sunni.

Reply to paragraphs 4 and 5.—(1) The chief object for which the opposite party has related the short history of the Mohsin Endowment and its Imambara, is to impress in the mind of their readers the importance of the present Managing Committee in particular, with a view to obtain their prayer. The reason why the *ex-mutwalli* did not refer the matter of his son's appointment to the above Committee, are as follows :—

- (a) That the said Committee is not the Committee meant by section 22 of Act XX of 1863, as it has been only permitted to supervise the management of the Imambara, and not the entire endowment.
- (b) That the said Committee since its birth, in the *Calcutta Gazette* of the 23rd July 1875, never applied to the Government or to the Court for this power. In fact it used to refer its complaints against the Mutwallee to Government for the purpose of defining its power in the Imambara. It is well-known that the Government of Sir Charles Elliott, requested Mr. Power, then Commissioner of Burdwan, to visit Hooghly and to settle the difference on a departmental enquiry, between the Committee and the Mutwallee,

which he did to the mutual satisfaction of the Mutwallee and the said Committee.

- (c) That the Government officers never gave any power to the Committee except in respect of the accounts in proof of which Mr. Faulder's letter No. 47 of the 30th September 1900, is enclosed and marked "C" and the Hooghly Collector's demi-official letter of the 21st February 1906, is also attached and marked "D."
- (d) That the present committee also in January 1906, wrote a letter to the Mutwallee who, in his letter No. 48 of the 17th idem, replied to the Committee. Copy of the Mutwallee's letter is annexed, marked "E."
- (e) That during the controversy between the Committee and the Mutwallee, Government was referred to and decided the matter (*vide* Government order No. 189 of the 25th April 1902), copy of which is annexed and marked "F."
- (f) That with the approval of the Government the Committee in consultation with the Mutwallee framed certain rules. Copy of the Government order No. 2174 on it, is annexed, marked "G."

In view of all these facts the old Mutwallee did not refer the matter of his successor's appointment to the Committee, and applied to Government through the local officers in December 1906.

Reply to paragraphs 6 and 7.—(1) That it was on the Board's letter No. 209 of the 8th April 1875 (quoted in the memorial), that Government asked the late Mutwallee, Saiyid Keramat Ali, to explain why he nominated Ashrafuddin Ahmed as his successor, and the said Mutwallee, in his well-known letter of the 26th April 1875, to the Collector and Local Agent, Hooghly, on the subject satisfied, both the Board and the Government, and Ashrafuddin was appointed (extract copy of Syed Keramat Ali's letter is annexed, marked II).

(2) The events and circumstances of 33½ years' service, which have fully proved Saiyid Ashrafuddin Ahmad as a genuine Shia are as follows :—

- (a) That only one year after his appointment he appointed a moizin on Rs. 4 a month, and directed him to use the word Bela Fasil in the Azan inside the Imambara.
- (b) That in spite of opposition he selected his bitter enemy, Shaikh Salamat Ali, as the waiz in the Imambara on Rs. 30 a month who still performs the Eâd namaz and reads moiza mujlees every month.
- (c) That in the Matijhil mosque dispute between the two sects in 1904, he supported the Shias, for which he was thanked by the Mutwallee of the said mosque (copy of that Mutwallee's letter is annexed, marked I).
- (d) That he appointed a Shia head-clerk in the Imambara English office for the first time, though that responsible post was

ever manned by successive Sunni head-clerks from the days of the late Mutwallee Saiyid Keramat Ali.

- (e) That he made all the eleven karis' posts exclusively from the Shias, though in Saiyid Keramat Ali's time both sects used to get the said posts from time to time.
- (f) That in Saiyid Ashrafuddin's time we can see almost all the Departments manned by the Shias, though menial servants such as peons, furrashes and chaprasis are mostly Sunnis.
- (g) That in his time nearly three-fourths of the boarders are Shias just opposite to their number in Saiyid Keramat Ali's time.
- (h) That like his noble predecessor he presented to the Imambara library books in English and vernacular, and gave big purdahs in the sacred hall, inside of the Imambara proper, and introduced loban and flowers in Mujlees days in the said Imambara, which was never introduced by the former mutwallis of the Hooghly Imambara.
- (i) That he employed Bara Saiyids as Tabut holders in the Bara Imambara and kept Moslem males as Nishandar and Alambardar for the Imambara Muharrum procession in the place of females.
- (j) That he patronized the Shia Anjuman, Hooghly, for the purpose of the burial of the Shia dead bodies from his own purse.
- (k) That the Shia Ulamas who came in contact with him were satisfied and pleased for which copies of their Persian remarks are enclosed, marked J.
- (l) That on his appointment in 1875, both sects were satisfied and congratulated him and his father the late Nawab Amir Ali. The grandfather of Agha Mahommed Kazem Sherazi, the Secretary of the Anjuman Murtazvia of Calcutta, and one of the chief agitators in the memorial wrote poem for him (copies of the papers in vernacular on this point are annexed, marked K.)
- (m) That besides burying his father as Shia, he had the painful duty of burying his uncle, Munshi Waliullah, in Barh and his eldest daughter in the Bara Imambara, Hooghly, in the same religion.
- (n) That the Mutwalli Sayid Keramat Ali, whose memory the Shias still respect deeply, appointed Ashrafuddiin Ahmed and the late Mir Haidar Hussain as the executors of his will.
- (o) That in his family both sects have been mixed up, as this instance will be found in other Mahomedan families, of Bihar Province in particular. He consented to marry his daughter to Salamat Ali Khan of Chittagong as the present Nawab Amir Hossain Khan of Bhiknapahari, Patna, gave his daughter in marriage to Mahomed Golam Hossain Arif of Calcutta.

- (p) That in Lucknow which is the centre of the Shias both sects are taught books on their religion by the Shia and Sunni Maulavis up to this day.
- (q) That the annual Meelad Shareef in honour of the Prophet's birthday was held by him not in the Imambara itself, but in his private quarters, where both sects mustered strong but it was done in a Shia style, with this addition of the Keyem or rising which the Sunnis appreciate.
- (r) It may be noted that in the time of Mutwali Sayed Keramat Ali, the Maulad Shareef was held in a Sunni style, in the Imambara itself, by the late Hajee Mohamed Ismail, in which the late Mutwalli and other Shias were present and no objection was raised.
- (s) That Saiyid Ashrafuddin was ever kind towards his Shia employes is a well-known fact. One of the instances of his kindness was a monthly grant of Rs. 15 to Mirza Hidyat Sherazee for some years till his pay was increased in the Imambara in 1897.
- (t) That he has been perhaps the most regular mutwalli of the Imambara who attended its rites and ceremonials in the Imambara and with a deep interest which is proverbial in Hooghly even after his retirement.
- (u) That it is not correct that the word "Tariff" was translated for the word "Jizia," on the contrary the word "Tax" was used. It was by an accident that in the translation the word "Tax" was omitted, and the word "Jizia" was substituted, without any intention of wounding the feelings of the Shias. It may be remarked that besides the Mutwalli, his head clerk and the two assistants all were Shias, and it was, therefore only in haste that it was allowed to be inserted in the notice board in the Imambara sudder gate. Besides, the Government notification was intended for the information of Shias only. Copy of notification is enclosed, marked L.
- (v) That by speaking of Hazi Mohammad Mohsin as a liberal minded Shia in his book (Tabakatie Mohsinya) he simply followed the opinion held of the illustrious Hazi Saheb by the Mutwalli Syed Keramat Ali, who in the 3rd paragraph of his official letter of the 2nd March of 1875, to the Local Agent, Hooghly wrote thus :—

"Though the testator was himself an Azad Durwesh, still he brought many people to light, and turn them a Shia."

Reply to paragraph 8.—(1) That Saiyid Ashrafuddin Ahmed was strongly backed by the Mutwalli Saiyid Keramat Ali in preference to others for the post, as the latter believed him and his father to be a genuine Shia, and saw them praying in namaz as a Shia.

(2) That there was no complaint against the management of Saiyid Ashrafuddin Ahmed till 1896, for which Committee's No. 97 of

the 7th December 1896, to the District Judge of Hooghly, speaks thus :—

“Ever since its appointment the Committee has been furnished regularly by the Mutwalli with accounts, which have been examined and checked in this office in the usual way and any error or mistake found therein has been immediately brought to the notice of that officer. No complaint has been made to us during these 20 years of any dereliction of duty on the part of the Mutwalli. It is evident, however, that a conspiracy is on foot against that officer and the application which was made to you was the outcome of it.”

(3) That from 1895 there has existed certain coldness and difference between the Mutwalli and the Calcutta Moghuls. But this state of feeling became manifestly hostile after the Mutwalli forwarded a printed circular to the Local Agent for Government information, in regard to one Sheikh Mohammed of Karbala, a relative of Sheikh Mohammad Gilani, who had appealed to the Shias for getting back the Mohsin Endowment, by raising subscriptions for a regular suit. In respect of the accounts of the Mutwalli a copy of the Committee's No. 251 of September 1897, is, however, enclosed, marked M. It may be noted that the resignation of Mr. D. H. Ahmad and the late Saiyid Mohamed Ali Shoostare were due to their disagreement with other members of the Committee and not with the Mutwalli.

Reply to paragraph 9.—(1) That Ali Nawab is a genuine Shia, and this declaration is quite sufficient under the law.

(2) That marriages are still going on between the two sects in Bengal and Bihar and instances of it are well known to every Muhammadan.

(3) It is false to attribute the mistake of a local paper to Mr. Ali Nawab for naming Hazi Mohsin a Sunni and not a Shia. In his book on the “Mohsin Centennial” nothing is recorded to that effect. However, the Mutwalli wrote to the editor of the said paper pointing out the said error, long before the Shias commented on it. Copy of the said Bengali paper is enclosed, marked N.

Reply to paragraph 10.—(1) That it is not necessary for a Mutwalli in the very beginning of his career to be a person of very great learning, or a man of very wide experience. The present Mutwalli's learning in Arabic and Persian and also in English is sufficient for the routine work of the Hooghly Imambara.

(2) With regard to his age two instances are produced here. The *ex-mutwalli* was only 20 years of age and with no experience when he was appointed. Again, the age of the 5th mutwalli was only 18 years and a few months when he was appointed in 1836.

Reply to paragraph 11.—(1) That for religious recitals in the Imambara the Mutwalli has got Shia preachers and reciters who are responsible for them, and not he. The annexed telegram marked O, from the Commissioner of Burdwan to the Magistrate of Hooghly, dated the 25th June 1895, will throw further light on this matter

(2) That since the death of the founder Imambara accounts have been kept in Bengali and Persian. But from 1900, English was introduced. It may further be recorded that the English-knowing head-clerk was appointed 50 years ago by Saiyid Keramat Ali.

(3) That the Imambara business of the religious and secular departments are arranged in such a systematical way that even a young man of no great experience and ability can perform the work without any difficulty.

Reply to paragraph 12.—(1) That it is a direct attack on the order of Government of the 20th November 1903, which has to be explained thus :—

(a) The Mutwalli first applied to Government (*vide* his application of the 9th December of 1906,) about his son's nomination which was strongly backed by the local officers, was not granted. In its reply Government informed him, through the local officers, that unless he retires the matter cannot be entertained. In his second application he applied to Government (through the same channel) (which was again supported by the local officers) that he may be allowed to appoint his son as his assistant. In its reply the Government wrote that it is open to the Mutwali to appoint any one he chooses as his assistant but that cannot be binding upon the Government. From that time his son was appointed by him as his assistant, and did the duties fairly in 1907 and 1908. It was his third application of November 1908, which was graciously entertained by Sir Andrew Fraser's Government and Saiyid Ali Nawab was formally appointed. As there was no sufficient fund in the ½th share of the Mohsin Fund, the Government as the permanent trustee decided to pay both the new and the retired mutwallis from the ½th share, paying further additional amount of Rs. 1,111 a year to the new mutwali out of the said ½th share.

(b) The Government, as the permanent trustee, since 1835, has power to increase or decrease the salary of its deputy in the Imambarah.

(c) If the above arrangement under the law is objectionable then the mutwali for the time being has power, under section 22 of Act XX of 1863. and also under the Muhammadan Law to appoint his own successor. Besides (*vide* the Mohsin's Will), this power rests with the mutwali alone. Copy of the said Will is annexed, marked P.

(d) It is out of place to comment on the management of Saiyid Ashrafuddin. But as it is mentioned in the memorial something should be stated as follows :—

That (*vide* Committee's office memorandum of the 24th November 1897), Rs. 5,989-13 were found due from the mutwalli, which were regularly repaid by him to the

Imambara. Copy of the above memorandum is annexed, marked Q.

- (e) Another letter of the Committee No. 92 of the 25th November 1896, is also annexed, marked R.
- (f) With regard to the money of Khidirpore Estate, nothing can be said except that it was spent from time to time for the Muharrum and other expenses of the Imambarah with the knowledge and consent of the Committee. It may be noted that Shaikh Mahummad Jilani and others used to depute foreign preachers, with letters of recommendation, to the Mutwali and these persons took away large sums of money every year from the Imambara. The Shaik himself was also benefited from the Imambara, and thus the Imambara became insolvent, and who is to be blamed for all this?
- (g) With regard to the paraphernalia, repeated reports were forwarded to the Committee, but for want of funds some nishans and patkas were prepared only.
- (h) With regard to the library, no improvement can be made unless the present Librarian, who is an old man, is replaced and some further amount is granted for it.
- (i) That the Hooghly Imambarah, which is admitted to be one of the best managed religious institutions in India, is to be frequently attacked while other Imambaras and mosques are spared, is a matter for Government and the public to consider.

Reply. to paragraph 13.—(1) By far the most important paragraph in the memorial is the 13th paragraph, which has to be replied thus:—

- (a) That mutwali has the power and right to nominate his successor under the Muhammadan Law.
- (b) That under section 22 of Act XX of 1863, it is the mutwali who has power to appoint a successor, and not the Committee which is not meant in the above Act. Copy of the Government Order No. 284 on this is annexed and marked S.
- (c) That under the Mohsin's Will the mutwali has the power and right of nominating his successor on his own choice.
- (d) That the Board's letter No. 329 of the 17th December 1858, extract copy of which is annexed and marked T also shows that the mutwali under the will has the power of nominating his own successor.
- (e) That the Government order of the 20th November 1908, in view of all these facts, supports the nomination of Saiyid Ali Nawab as the mutwali of the Hooghly Imambara, which was made by Saiyid Ashrafuddin Ahmad, the mutwali for the time being. Copy of the above order is annexed and marked U.

Reply to paragraph 14.—(1) No reply to the above paragraph appears to be necessary, except that the arrangements made in respect of the division in the new mutwali's salary, has been done by the Government in its capacity as the permanent trustee of the Mohsin's endowment after consulting the high officers of the Government and in agreement with the mutwali.

Concluding remarks.—I. That from the mutwali's letter No. 207 of the 8th July 1895, to the Collector and Local Agent, Government will see that one of the main objects of the Shia agitation of the Calcutta Moghuls has been to take back the Mohsin endowment from the Government. Copy of the mutwali's letter is annexed, marked V.

II. That though the mutwaliship of the Hooghly Imambara is not a hereditary appointment, there is a remarkable instance to show that Bakir Ali Khan, the third mutwali, was the son of Shakir Ali Khan the second mutwali.

III. That copy of the certificate in support of the management of Saiyid Ashrafuddin Ahmad is enclosed, marked W.

From

SIR CHARLES ALLEN, KT.,

Offg. Chief Secretary to the Government of Bengal,

To

The Secretary to the Government of India,

Home Department.

Revenue Department, Land Revenue.

Dated, Calcutta, the 20th July 1909.

SIR,

With reference to Mr. Fell's letter No. 442, dated the 19th March 1909, and in continuation of Mr. Duke's letter No. 336T.—R., dated the 30th April 1909, I am directed to submit the following report on the memorial, dated the 21st January 1909, submitted by Shams-ul-ulama Shaikh Mohamed Gilani and others, members of the Shia Muhammadan community, against the orders of this Government appointing Saiyid Ali Nawab to be mutwali of the Hooghly Imambara on the retirement of his father, Nawabzada Sayid Ashrafuddin Ahmad Khan Bahadur.

2. It will be remembered that, in November 1908, Saiyid Ashrafuddin Ahmad applied for permission to retire from his post as mutwali and for the grant of a pension. As his predecessor had been granted a pension of Rs. 3,775 per annum for his services as mutwali, Sir Andrew Fraser sanctioned the grant of a pension of one-half of the one-ninth share of the Mohsin Endowment Fund which is allotted to the mutwali as his salary and appointed Saiyid Ali Nawab, son of the retiring mutwali, as his successor on a salary, during the life time of his father, of the other half of the one-ninth share. These orders were subject to the condition that the retiring mutwali should usually reside at Hooghly, and assist and advise his son in the management of the Imambara and the performance of his other duties.

3. When this arrangement was announced numerous objections were received from various Muhammadan individuals and Associations; and these were based mainly on allegations of the personal unfitness of Saiyid Ali Nawab. But the memorial now under consideration challenged in a serious form the legal power of this Government to make the appointment. Accordingly as reported in my letter of the 30th April 1909, the Legal Remembrancer was instructed to consult Counsel in Calcutta on the whole subject, and his report has now been received.

4. Mr. B. Chakrabatti, Dr. Rash Behari Ghosh and Maulvi Serajul Islam, who were consulted, are unanimously of opinion:—

- (1) That the management of the Syedpur Estate and the application of a proportion of the income to Muhammadan education may rightly continue as at present in the hands of Government;

- (2) that the right to appoint to a vacancy in the office of Mutwali is vested in the Committee and not in Government;
- (3) that the appointment of Ali Nawab was void. *ab-initio*, and that in the eye of law Saiyid Ashrafuddin Ahmad is still the mutwalli; and
- (4) that the grant of a pension to Saiyid Ashrafuddin Ahmad was *ultra vires*.

A copy of the opinion of these gentlemen is enclosed herewith.

- (5) His Honour considers that this opinion must be accepted as finally disposing of the question which has been raised regarding the authority of the Government to appoint a mutwalli; and so long as the management of the estate is retained in the hands of Government and the secular portion of the endowment is under its control, Sir Edward Baker does not regard this result as a matter for regret. It is in his opinion in every way preferable that Government should not be directly concerned with religious endowments or with the appointment of their Superintendents. Moreover the arrangement made last year does not commend itself to Sir Edward Baker, though he would not have interfered with it if circumstances had not rendered this inevitable. His Honour does not call in question Ali Nawab's statement that he is a Shia nor does he attach great importance to the personal and religious objections which some members of the community have raised against him. But His Honour does not consider him well fitted by age, education or perhaps capacity to fill the post; and the arrangement in regard to the pension seems merely a device to retain the appointment and the income in the family of Ashrafuddin. Accordingly His Honour is prepared to acquiesce in the view of the functions of Government, which has been taken by the lawyers consulted by him. He would inform Nawabzada Saiyid Ashrafuddin Ahmad that legally he is still the Mutwalli and that his resignation, if he still desires to resign, should be addressed to the Committee who will take such steps as may be necessary for the appointment of a successor. In view, however of the importance of the case, the Lieutenant-Governor will await the orders of the Government of India on the subject before taking any action in the matter.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) C. G. H. ALLEN,

Offg. Chief Secy. to the Govt. of Bengal.

STATEMENT OF FACTS PREPARED BY THE HON'BLE LEGAL REMEMBRANCER.

On the 20th April 1806, one Hajee Muhammad Mohsin executed a deed. The deed conveyed certain properties to two mutwallis named Rajab Ali Khan and Shakur Ali Khan in trust for the performance of certain purposes. The properties thus conveyed were—(a) certain zamindari property hereafter called the Syedpur Estate; (b) an Imambara at Hooghly and the bazar appertaining thereto. The purposes of the trust were to expend the proceeds from the Syedpur Estate—

- (1) three-ninths on religious ceremonies and the upkeep of the Imambara;
- (2) two-ninths on emolument for the mutwallis;
- (3) four-ninths in maintaining the clerical establishment and in paying certain pensions.

For the perpetuation of the trust there was a provision that each mutwalli may appoint his successor.

The trust appears to have been carried into effect.

Hajee Muhammad Mohsin, the executant died in 1813.

In 1818 the Board of Revenue in exercise of the powers conferred by Regulation XIX of 1810 dismissed both the Mutwallis.

It is necessary that the terms of this Regulation should be carefully understood. Section II vests the superintendence of all trusts of this character in the Board of Revenue. Section III lays upon the Board the duty of seeing that the funds of such trusts are not diverted. Section VIII empowers the Board to employ local agents in each district to enable the Board to discharge the Board's duty of superintendence. Section XIII, among other things, provides that "in those cases in which the nomination of a successor to a trustee of right appertains to Government in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose a fit person and (section XIV) thereupon the Board of Revenue may appoint him as Superintendent of the Trust."

In place of the two mutwallis dismissed in 1818, one Saiyid Ali Akbar Khan, was placed by the Board of Revenue in the position of Superintendent of the Imambara and the religious ceremonies connected therewith. The Syedpur Estate was from 1818 managed direct by the Collector and is still so managed.

In 1825, Wasiq Ali Khan, son of one of the original mutwallis, brought a suit impugning the right of the Board of Revenue to dismiss, and claiming the mutwalliship under a deed of nomination by his father. The case came before the Sadar Dewani Adalat (S. D. A. Reports, Volume VI, page 110). The suit was dismissed. The majority of the Judges appear to have held that the Government had in such cases the power to dismiss trustees for malversation as well as the power, after dismissal to appoint a successor, due regard being

had to any nomination made by the outgoing trustee. The decision was given in September 1836.

In the same year 1836 the Board dismissed Saiyid Ali Akbar Khan whom they had appointed in 1818. In succession to Saiyid Ali Akbar Khan one Saiyid Keramat Ali was appointed to the mutwalliship by the Government of Bengal in January 1837.

Saiyid Keramat Ali held the office until 1875.

In the meantime Act XX of 1863 was passed. That Act required the Bengal Government (section 3 and section 7) to appoint Local Committees to exercise the powers conferred on the Board of Revenue by Regulation XIX* of 1810, i.e., *inter alia* the power of appointing to a vacancy in a trusteeship conferred by section XIV of that Regulation.

*This Regulation was amended in 1903. As amended it does not apply to any sort of religious trust.

Section 22, Act XX of 1863, made it unlawful for the Government of Bengal to nominate or appoint any trustee, manager or superintendent or to be in any way connected with any endowment made for the maintenance of any mosque, temple or other religious establishment.

In June 1875, the mutwalli Keramat Ali, having become too old for the post the Government appointed one Ashraf-uddin Ahmad mutwali in his place. The Committee required by Act XX of 1863 had not yet been constituted, and the Government appear to have assumed that Government continued to have the power of appointing a successor.

Ashrafuddin Ahmad continued to hold the post (and was recognized as mutwalli by the Committee appointed in July 1875, under Act XX of 1863) until 20th November 1908. On that date the Government appointed his son Saiyid Ali Nawab to be mutwali in the place of Ashrafuddin Ahmad. On the 4th December 1908, Ashrafuddin Ahmad made over charge to the new mutwali. The appointment has been protested against by the remains of the Committee appointed in 1875. This Committee was originally constituted of five members, of these three only apparently survive and the vacancies have not been filled.

It will be remembered that the deed executed by Hajee Muhammad Mohsin in 1806 provided for two mutwallis who were each to receive one-ninth of the proceeds of the zamindari. The Government, when in 1818 they replaced the two mutwallis by a single Superintendent, fixed his salary at one-ninth of these proceeds. The new mutwali is, by Government order, to receive one-eighteenth, the other one-eighteenth being given to his father the retiring mutwali as a pension during his (the father's) lifetime.

The Government desires to know—

(a) whether the appointment of Ali Nawab is valid?

(b) if not, in whom does the power to appoint lie?

- (c) if the power to appoint lies in the Committee appointed in 1875, is that power in abeyance now by reason of a vacancy or vacancies in the Committee not having filled?
- (d) if Government has no power to appoint, what has been the legal effect on what has occurred? Is Ashrafuddin divested of the mutwalliship by reason of his action in making over charge to his son or is he still mutwalli in the eye of the law?
- (e) what course do you recommend the Government to take?
- (f) is the gift of a pension to Ashrafuddin *ultra vires*?

There remains the question of the Syedpur Estate. The Government enquire whether they can legally retain the management of it. They claim the right to do so under section 21 of Act XX of 1863. Under that section the Board of Revenue determined in 1875 that the Imambara, bazar and the property immediately appertaining thereto (of which the Mutwalli is the Superintendent) should be made over to the Committee appointed in 1875 under Act XX of 1863. The Syedpur Estate was retained under the management of the Board of Revenue under section 21, Act XX of 1863, because a portion of the proceeds was appropriated to secular uses.

It will be remembered that the original deed of 1806 devoted:—

- (1) three-ninths of these proceeds to the Imambara;
- (2) two-ninths as salaries to the two Mutwallis;
- (3) four-ninths to maintaining the clerical establishment and to the payment of pensions.

The pensions have lapsed and one of the mutwalliships has lapsed, owing to Government appointing one mutwalli instead of two. The clerical establishment appears to have been employed exclusively for the management of the Syedpur Estate.

This principle has been acted on ever since 1818. Thus for practically 90 years five-ninths of the proceeds of the Syedpur Estate have been at the disposal of Government for secular purposes and have actually been expended on education—latterly on education exclusively for Muhammadans.

Three-ninths is made over to the Committee to spend on the Imambara. One-ninth is paid to the Mutwalli as salary and the remainder five-ninths is appropriated to secular purposes and had been regularly so appropriated for some 40 years before the Act of 1863 was passed.

Can Government rightly retain the management of this property (Ameer Ali, J., has given opinion that Government can)? If not, what do you advise in the matter?

(Sd.) E. P. CHAPMAN.

The 5th May 1909.

Will Mr. Chakravarty kindly give an opinion in this case after consulting Dr. Rash Behari Ghose and Maulvi Seraj-ul-Islam?

The papers are all with us, and I can supply copy of any paper which may be thought necessary.

(SD.) E. P. CHAPMAN.

The 5th May 1909.

MR. CHAKRAVARTY,
DR. RASH BIHARI GHOSH,
MAULVI SERAJ-UL-ISLAM—

In submitting your opinion on the Hooghly Imambara case, please take into consideration the fact that the vacancies in the Committee have recently been filled by order of the District Judge.

(SD.) E. P. CHAPMAN.

The 21st May 1909.

OPINION.

The case submitted to us raises questions of considerable difficulty. It is to be noted that the endowment was created by a towleutnama or deed of trust, dated the 20th April 1806. After reciting the intention of the settler to settle certain zemindari and other property in perpetuity to pious uses, the deed provided that the two mutwallis thereby appointed should, after discharging the public demands, divide the income into nine shares, and firstly appropriate three shares to the expenses of certain religious observances and of certain repairs, secondly, appropriate two shares to their own remuneration, and thirdly appropriate the remaining four shares to the expenses of the establishment to be maintained and to the payment of certain pensions. The deed further provided that mutwallis were to exercise their own discretion and authority either to continue or discontinue such pensions, nothing being said as to what was to be done with the funds set free by such discontinuance, if any: nor was there anything said as to what was to be done with the surplus which might become available after the pensions had lapsed. The deed then proceeded to provide for the appointment of fresh mutwallis in the event of either mutwalli finding himself incompetent to discharge his functions. On the construction of the deed itself we are inclined to think that the mutwallis had, under the deed, discretion given to them to expend the surplus, if any, for purposes similar to the general purposes of the endowment. We are further inclined to think that the endowment was intended to be and was a public endowment. With regard to the mode of succession to the office of the Mutwalli, as laid down in the deed, we are of opinion that in order to make a valid appointment the power would have to be strictly exercised, and if it was not or could not be so exercised for any reason whatsoever, the Kazi or the ruling power, would be entitled to make the appointment.

Coming then to the events that followed the execution of the deed, it appears that the settlor made over possession of the trust properties to the two mutwallis who carried out the trust for some years. The settlor, however, died some time in 1813. In the meantime, Regulation XIX of 1810, had been passed, whereby the Government divested itself of its duty to superintend public religious endowments and delegated all its power to the Board of Revenue, including the power in certain circumstances to appoint mutwallis or trustees. The Board of Revenue recognised the two mutwallis under the Regulation and things seem to have gone on smoothly until about the year 1815, when the Board interfered and subsequently in 1818, the Board dismissed both the mutwallis and appointed one Saiyid Ali Akbar Khan as the sole trustee. In the same year the Government took possession of the zamindary hereinafter called the Syedpur estate, and has ever since managed it through its Local Agent, that is the Collector of the district of Jessore. In 1825, there was a suit by one Wasik Ali Khan against the Government claiming the Mutwaliship under a deed of nomination by his father who was one of the original Mutwalis. This suit was ultimately dismissed by the late Sudder Dewanny Adawlut which held that the nomination of the plaintiff in that suit as the sole Mutwali had not been established. The Sudder Dewanny Adawlut seems to have been inclined to the view that under the deed and on the occurrence of a contingency not provided for, the power to appoint the trustee was vested in the Kazi or Ruling power, and that such power which was vested in the Government as aforesaid had been delegated by the Government to the Board of Revenue under Regulation XIX of 1810.

Whether this view was right or wrong it is to be noted that the Government assumed to itself the power of dismissal and the power of appointment of trustees, as also the power of management of the Syedpur estate to the exclusion of everybody else as early as 1818. Between 1818 and 1835, there was a considerable accumulation of surplus funds and on the 28th October 1835 the Governor-General in

Council wrote a letter* to the General Committee of Public Instruction (*vide* page 34 of the Report of the Muhammadan Educational Endowment's Committee). In that letter the Governor-General in Council claimed to be the successor to the Mutwallis appointed by the settlor and resolved as follows :—

* *Vide* page 173.

- (a) Three-ninths of the income of the Syedpur estate to be charged with the maintenance of the Imambara and ancillary objects.
- (b) Only one Mutwali to be retained in the place of two on a remuneration of $\frac{1}{3}$ th of the income.
- (c) One-ninth set free from the remuneration of the Mutwalis, all lapsed pensions and the entire amount arising from the interest of the accumulated fund to be appropriated to general public purposes of a beneficent nature, that is to say, education.

It is to be noted that even prior to this Resolution the Government had commenced to expend considerable sums of money out of the trust funds for the purposes of general education, and that since the scheme framed by Government of India in 1835, a definite portion of the income, viz, $\frac{5}{9}$ ths was devoted to general education until 1873;

when by a Resolution* of the Bengal Government, dated the 29th July 1873, it was decided that the said income should be used exclusively for the education of Muhammadans.

* Copy enclosed.

In 1836, the Board of Revenue dismissed Syed Ali Akbar Khan and in 1837, the Government of Bengal appointed Syed Keramat Ali as the sole Mutwali who held office until 1875.

It is thus clear that between the years 1818 and 1875, the Board of Revenue controlled the administration of the endowment in every sphere whether it was the appointment and dismissal of the Mutwalli's or the distribution of the income for the various purposes of the endowment or the expenditure of $\frac{5}{9}$ ths of the income at first on general and then on Muhammadan education.

In the meantime Act XX of 1863 had been passed by the Government with the object of divesting itself and its officers of the charge of religious endowments. By section 7 of this Act provision was made for the appointment of local committees in cases which fell under section 3 of the Act to exercise the powers which had been previously conferred on the Board of Revenue by the Regulation. Section 22 of that Act made it unlawful for the Government to nominate or appoint any Trustee, Manager, or Superintendent, or to be in any way connected with any endowment made for the maintenance of any mosque, temple or any other religious establishment.

Section 21 of the Act, however, gave power to the Board of Revenue before transferring to any trustee, manager or superintendent or to any committee of management appointed under that Act, to determine what portion, if any, of the land or other property should remain under the superintendence of the Board for application to secular uses, and what portion should be transferred to the superintendence of the trustee, etc., and the provisions of the Act were made applicable only to the portion so as to be transferred as aforesaid. And section 12 of the Act provided that the powers and responsibilities of the Board and the local agents would cease upon the transfer of the trust property to the local committee.

Before proceeding any further two questions arise and have to be disposed of, viz. :—

- (1) Whether Act XX of 1863, applies to this endowment, and if so,
- (2) whether section 3 or section 4 of the Act is applicable to it, for different considerations will arise as one or the other of the sections is held to apply.

The Act would apply only to the endowments to which the provisions of the Regulation were applicable and in the present case there is no doubt that both the Government as well as the late Sudder

Dewany Adawlut considered that the Regulation XIX of 1810, applied to this endowment. Moreover, it has been held that all endowments which are affected by Regulation XIX of 1810, fall within the purview of Act XX of 1863 (I.L.R. 34. Cal., 587). We are clearly of opinion that the Act is applicable to this endowment.

We are further of opinion that section 3 of the Act is applicable to the present case, and that the Government was bound in pursuance of the said section to make special provisions as laid down in sections 7, 12 and 21 of the Act, that is to say the Local Government had to appoint local committees, and the duties of the Board of Revenue had, with certain reservations, provided for by section 21 to be transferred to such committees so that they might in such cases be said to take the place of the Board. And although nothing is said specifically as to what the powers of the local committees were to be except that they were to take the powers of the Board and local agents under the Regulation, we are of opinion that under section 7 of the Act the committees were entitled to nominate and appoint trustees, etc.

No Committee, however, was appointed in this case until July 1875. In June 1875, the Mutwalli Keramat Ali, who had been appointed in 1837, having become too old, the Government appointed one Ashrafuddin Ahmad the sole Mutwalli in his place. And, as already pointed out the Government was entitled to do so under section 12 of the Act, which continued the powers of the Board until the appointment of local committees. A Committee of five, however, was appointed in July 1875, in accordance with the provisions of section 7, and the Board of Revenue determined in the same year to make over, and did make over, the Imambara, bazar and property immediately appertaining thereto to the Committee and also determined to make over from time to time the four-ninths of the income of the Syedpur Estate. It appears that the trust estate consists of the Imambara, bazar, property immediately appertaining thereto and the income of the Syedpur Estate which was to be deemed to be divided into nine shares. Of this Trust estate, the Imambara, etc., and the four-ninths of the income related to the religious uses and the remaining five-ninths to secular uses. The Board made over the control of the purely religious portion of the trust estate, including the control over the expenditure of the four-ninths income to the Committee and retained the management of the Syudpur Estate and the remaining five-ninths income for secular purposes. This, the Board of Revenue was entitled to do, for under section 21 of the Act, the Board was entitled to determine in case of an endowment of a partly religious and partly secular character as to what portion of the endowed property should be retained by the Board for secular uses and what portion should be transferred to the Committee for religious uses.

The Committee appointed in July 1875, as aforesaid recognized the appointment of Ashrafuddin Ahmad, acquiesced in the action of the Government with regard to the retention of management and possession of Syedpur Estate and the appropriation of the five-ninths of the

income thereof to educational purposes. The Government has, therefore, managed the Syedpur Estate and utilised the five-ninths income thereof for educational purposes for very many years without any question having been raised. We are of opinion that in the events that have happened, the Government is entitled to do so, and that any action taken against the Government to upset the present arrangement will fail on, amongst other grounds, the ground of limitation although we are reluctant to lay much stress on limitation alone :—

- (a) We do not think the appointment of Ali Nawab is valid. From 1875 the power of appointment vested in the Local Committee and it is for the Local Committee to make the appointment.
- (b) In the Local Committee.
- (c) We should have been inclined to think that notwithstanding any vacancies the Committee would be entitled to appoint, but this question has no practical importance now as the vacancies have been already filled up by the order of the District Court.
- (d) The Government having no power either to appoint or to remove, Ashrafuddin Ahmad is still the Mutwalli in the eye of the law.
- (e) & (f) We are of opinion that the Government had no power to split up the one-ninth of the income payable to the Mutwalli as a remuneration into two parts, and grant a moiety thereof as a pension to Ashrafuddin Ahmad. We, however, say nothing as to any arrangement that may be come to between the father and the son for the support of the latter.

(Sd.) B. CHAKRAVARTI,

(Sd.) RASH BEHARI GHOSH,

(Sd.) SERAJUL ISLAM, Vakil, High Court.

The 28th June 1909.

Dated Calcutta, the 29th July 1873.

RESOLUTION—By Government of Bengal, General (Education) Department.

READ—

The following papers regarding the increased extension of educational facilities to Mahomedans in Bengal, namely:—

Bengal Government letter No. 2918, dated 17th August 1872, with enclosures.

Home Department Resolution and letter, dated 13th June 1873.

Also the proposals by Mr. H. Woodrow, then Officiating Director of Public Instruction, under date the 9th August 1872, with the Lieutenant-Governor's orders thereon.

Also letter No. 242B, dated 28th November 1871, from the Commissioner of Dacca, enclosing a memorial signed by Khajeh Abdool Gunny, C.S.I., and other Mahomedans of Dacca, praying for the establishment of a Mahomedan College at Dacca, and specifying the advantages and concessions they specially desire.

Also the Commissioner of Dacca's report, No. 102 A, dated 16th June 1873, upon the question put by Government as to the languages which Mahomedan boys at Government schools in Eastern Bengal wish to learn.

The Lieutenant-Governor observes that all the Government schools in Bengal, except the Sanskrit College and the Hindu school in Calcutta, are already open to Mahomedan as well as to Christian and Hindu scholars; and he has, in the correspondence cited above, expressed his unwillingness to found, with Government money, special schools for any particular creed or denomination, though he was willing to sanction special classes for Mahomedans in exceptional circumstances. Accordingly, the Lieutenant-Governor had, in 1871, directed that if there were at any Government schools in Eastern Bengal, or elsewhere in Bengal Proper, sufficient Mahomedan scholars who desired to learn Arabic and Persian, arrangements should be made for teaching those languages in special classes. He submitted to the Government of India his view that we should teach the general body of Mahomedans of Bengal their own vernacular, which is Bengalee, in the Bengalee character, but with some infusion of Persian words; that we should teach Western learning to such Mahomedans as may seek it through the medium of English and vernacular, rather than through the medium of Arabic or Persian; but that we should, at specially endowed colleges, teach the classical languages of Persia and Arabia to Mahomedans in their own way, so far as to satisfy the requirements of their religion, their ideas of a liberal education, and the genuine demand for oriental learning for its own sake.

2. While the Lieutenant-Governor thought that the Government funds could not be properly devoted to separate Mahomedan colleges and schools to a greater extent than at present, he also felt that the endowment of Mahomed Mohsin of Hooghly, which is managed by the Government, afforded a legitimate means of promoting special Mahomedan education. Accordingly, in submitting these views to the Supreme Government, the Lieutenant-Governor proposed that so much of the Mahomed Mohsin endowment as is assigned for educational purposes should be spent in giving practical effect to proposals for furthering Mahomedan education throughout the country. In order that we might be able to devote the whole proceeds of the Mohsin educational endowment to Mahomedan education, the Lieutenant-Governor asked the Government of India to make some special grant to enable this Government to set free from the general purposes of the Hooghly College the Mohsin funds, and with the proceeds to defray the cost of Mahomedan Madrissas at the centres of Mahomedan population, such as Dacca, Chittagong, and Rajshahi.

3. The Government of India have now expressed their general approval of the Lieutenant-Governor's views and plans; and they have with a liberality for which the Government of Bengal is most grateful, made for the purpose indicated an addition of Rs. 50,000 to the grant for education in Bengal. This additional grant will enable the Bengal Government to maintain as a full-power college the large and successful general college at Hooghly. His Excellency the Viceroy in Council has also approved the appointment of a European officer on a salary of not less than Rs. 1,000 a month as Principal of the Calcutta Madrissa, and possibly as Superintendent of Madrissas in Bengal; and has expressed a wish that Mahomedan Madrissas or Departments should be grafted on to existing colleges and high schools at the centres of Mahomedan population in Bengal.

4. The funds which the Lieutenant-Governor has at his disposal for special Mahomedan education are—

	Rs.
(1) Grant to the Calcutta Madrissa and its attached schools, as per the Educational Budget of 1873-74	38,000
(2) Mahomed Mohsin Educational Endowment, yielding per annum about	55,000
Total	<u>93,000</u>

From the sum available, as above-mentioned, must be met—

First.—The cost of the Hooghly Madrissa and boarding-house, and the difference between the full college or school fees and those paid by Mahomedan scholars. The grant for the Hooghly Madrissa and boarding-house during the year 1873-74 is Rs. 5,000, besides scholarships; the Lieutenant-Governor would make it in future Rs. 7,000, in accordance with plans for other Madrissas to be presently stated.

Secondly.—The cost of the Calcutta Madrissa and Anglo-Persian Department and boarding-house, and of the Branch School at Collinga. The Lieutenant-Governor is satisfied that Mahomedans of Bengal would wish the Calcutta Madrissa to be retained whatever other Madrissas may be established. Excluding scholarships the grant for the Calcutta Madrissa and its attendant institutions during the year 1873-74 was Rs. 34,500 gross, the fees being credited to Government. The new appointment of a Principal and Superintendent of Madrissas must considerably increase this charge; and the Lieutenant-Governor would, if necessary, assign Rs. 35,000 *plus* its fees, or about Rs. 40,000 in all, as the cost of this institution and its dependencies. The establishment of moulvies and teachers at the Calcutta Madrissa requires revision. The number of teachers seems too large, and the salaries of the junior teachers may be too small. For the 80 or 90 Arabic students there are seven moulvies besides the professor; while for the 320 boys in the Anglo-Persian Department there are 18 teachers besides the professor and the resident moonshee. The Director of Public Instruction will be instructed to submit an early report on these establishments.

There will remain Rs. 51,000 to be spent on Madrissas at Dacca, Chittagong, Rajshahye, or other places in the Mahomedan districts, on scholarships, and on other means of promoting the education of Mahomedans.

5. The Lieutenant-Governor proposes that the new Madrissas should consist of a boarding-house for Mahomedan students, a set of rooms for study, and a staff of Mahomedan officers (who should teach Arabic and Persian, and other branches not requiring a knowledge of English), as well as a master capable of acting as home tutor for English education. One at least of the teachers would have free quarters in the boarding-house, and would have charge of the boarders. The Madrissa would be attached to, and the boarding-house would be near, the college or high school, and Mahomedan boys of approved merit, who attended school or college, would have two-thirds of their school fees paid for them from the Madrissa funds.

6. Of all the eastern districts, Chittagong and Noacolly are those which have the largest population of Mahomedans of the class which seek education and send students to the Calcutta and Hooghly Madrissas. Rajshahye is centrally situated in a part of Bengal, nearly three-fourths of the inhabitants of which are Mahomedans. Dacca, on the other hand, is a still more important centre, and has also around it a very large Mahomedan population; and the Commissioner reported in 1871 that Khajeh Abdool Gunny, c.s.i., with many influential Mahomedans, wished to have an exclusively Mahomedan

college established at Dacca, whereat students might learn English or Arabic. The memorialists, it is observed, especially say that they do not require Bengali or Hindustani to be taught at this college, as their children learn these languages sufficiently well at home. The memorialists lay much stress on having a European gentleman, with some knowledge of Persian and Arabic, at the head of the Dacca Madrissa. The Commissioner reported in 1871 that a piece of land would be given for the site of a Madrissa at Dacca, and that eventually wealthy Mahomedans might probably come forward to endow such an institution.

7. If the Mahomedan gentlemen of Dacca should furnish the funds for a separate college of their own, every assistance shall be given to them, and the Moshin Madrissa grant will be amalgamated with their funds. But putting this question apart, the Lieutenant-Governor's present view is, that it will be best to establish, in addition to the Hooghly Madrissa, Madrissas at Dacca, at Chittagong and at Rajshahye, consisting of not less than the following:—

(a) A boarding-house with three or more school-rooms, and a decent house, after the native style, for the resident teacher.

(b) An establishment consisting of—

	Per annum.
	Rs.
Superintendent on Rs. 200, rising to Rs. 250 ...	2,700
1st Teacher on Rs. 75, rising to Rs. 100 ...	1,020
2nd ditto on „ 40, „ to „ 60 ...	640
Contingencies and prizes, at Rs. 120 a month ...	1,440
Servants for boarding-house and grant-in-aid of	
boarders' messing at Rs. 100 ...	1,200
Total per annum ...	7,000

For Dacca a more highly-paid staff might be allowed, say a Superintendent on Rs. 350 per mensem, and annual net grant of Rs. 10,000. The Superintendent should be, if possible, a Mahomedan, who knows both English and either Arabic or Persian, and he should be competent to teach Mahomedan law. The Madrissa building should be as near as possible to the college or high school or zillah school buildings; boarders or other Mahomedan boys approved by the committee would be allowed to attend the English, law, survey, science, and other classes of the college or school on payment of one-third the usual fees, the other two-thirds being paid by the Moshin Fund. Each Madrissa would be under the management of a special committee, or of a special sub-committee of the general District School Committee. Such committee or sub-committee should consist of Mahomedans and Europeans, and the Superintendent of the local Madrissa

would be a member, and might be secretary. At Dacca and Hooghly the Principal of the college should be a member of the committee. The cost of the buildings, which should not be very expensive, would be met from the uninvested surplus of about Rs. 90,000 now in the hands of the Moshin Fund trustees.

8. The Lieutenant-Governor would not at present lay down the course of study in Mahomedan literature, or Mahomedan law, which should be pursued at the Madrissas. He would leave details to be settled by the local Superintendents and the local committees under the general supervision of the Superintendent of Madrissas. His view generally is, that we should teach at Madrissas such Persian and Arabic, and a reasonable amount of Mahomedan law and literature, as students may wish to learn, and that we should give special facilities to Madrissa students who may elect to take the ordinary English course of study, and to read physical science.

9. It has often been urged that the best Bengal Mahomedans are usually men of small means. The Lieutenant-Governor believes this to be true; and he would set aside a further sum of Rs. 7,200 to be allotted, at the rate of Rs. 800 a year, to each of the zilla schools marginally noted, for expenditure, partly in paying two-thirds of the school fees of deserving Mahomedan boys who may attend regularly at these schools, and partly in bearing a share of the cost of a teacher of Arabic and Persian. The views of the Mahomedan members of the District School Committees should be allowed much weight in deciding how these grants are to be spent. A sum of Rs. 8,000 might be set aside to meet two-thirds of the college or school fees of deserving Madrissa students who may attend the Presidency, Hooghly or Dacca Colleges, or the collegiate and other schools near which a Madrissa may be established.

Jessore.	Mymensing.
Rungpore.	Tipperah.
Pubna.	Noacolly.
Furreedpore.	Sylhet.
Backergunge.	

10. There will remain a sum of Rs. 11,800 available for various expenses which may prove necessary, and especially for Mohsin scholarships. All scholarships now held at the Calcutta and Hooghly Madrissas will be continued to their holders. The number, amount and duration of the scholarships can be settled as soon as the new Madrissas are established. But in the interest of all parties, the Lieutenant-Governor thinks that a large proportion of the sum available should be devoted to the encouragement of Mahomedan lads who learn English and succeed in English studies and physical science. In general terms, the Lieutenant-Governor would say that we ought to establish some Mohsin scholarships of Rs. 4 or Rs. 5 per mensem tenable at zillah schools: and some of Rs. 15, Rs. 20, and Rs. 25 per mensem tenable at ordinary or special colleges, or at the civil service classes. Perhaps it might be possible to have one Moshin scholarship of Rs. 1,000 a year tenable in England by successful Mahomedan students of English.

11. The total annual cost of the above arrangements will be—

	Annual cost in Rs.
Calcutta Madrissa, etc.	35,000
Dacca Madrissa	10,000
Establishment and boarding-house of three Madrissas	21,000
Various further expenses, including scholarships	11,800
Assignment for Mahomedan education at nine zilla schools	7,200
Assignment to meet the cost of paying two- thirds fees of Madrissa boys who may attend at the Presidency, Hooghly and Dacca Colleges or collegiate schools, or at the Rajshahye and Chittagong schools, or law classes	8,000
	— —
Total	93,000
Amount available as per paragraph 4 above	93,000

12. The Lieutenant-Governor hopes that Mahomedan gentlemen of wealth and liberality, of whom there are many in Eastern Bengal, will sooner or later come forward to endow scholarships or otherwise to support the new Madrissas which are to be established. The Commissioner of Dacca will be asked to communicate with the memorialists of 1871, and to ascertain how far they are willing to help. The funds at the Lieutenant-Governor's disposal do not permit of his providing a competent European Principal for the Dacca Madrissa; but if the memorialists still desire to have such an officer over the Dacca Madrissa, and see their way to guaranteeing an additional income of Rs. 6,000 per annum, the Lieutenant-Governor would have to be able to meet their wishes.

13. The arrangements now proposed do not set aside any funds for aiding Mahomedan primary schools. The Lieutenant-Governor has much hope that the action taken by local officers under the primary school orders will result in our having Mahomedan scholars and teachers at a great many of the primary schools in the eastern districts. If this should be so, if a large proportion of the schools boys are Mahomedans, the Lieutenant-Governor would expect that in course of time district officers may be able to nominate Mahomedans to a share of the Deputy and Sub-Inspectorships in Mahomedan districts. At present hardly a single member of the inspecting staff in Bengal is a Mahomedan.

14. In pursuance of the policy that Government funds cannot be set aside for special sects, the Lieutenant-Governor has not proposed to set apart any of the grant-in-aid fund, or of the scholarship fund, or of the primary school grant, exclusively for Mahomedan education. The funds now granted for Mahomedan purposes come exclusively from the Mohsin foundation and from the grant made in the last century to the Calcutta Madrissa. The Lieutenant-Governor hopes

and anticipates that before long Mahomedans may get their fair share of the general scholarships and other educational advantages granted by Government to the Mahomedan districts. He was glad to notice in the last Educational Report that Mahomedans are said to be creeping up to the top of the zillah schools in Eastern Bengal; he has recently heard that the head student of the Hooghly College at the recent B.A. examination was a Mahomedan; and he has just seen that a Mahomedan boy came out first at the open examination for patshala scholarships in the Pubna district.

15. As respects the kind of man required for the new Principalship of the Madrissa, the Lieutenant-Governor's views are expressed in the following extract:—

“His Honour would appoint as Principal of the Calcutta Madrissa and Superintendent of Madrissas in Bengal a European scholar on Rs. 1,000 per mensem, to be paid from the Mohsin Fund. To bring him into sympathy with the students, and to enable him to direct their studies, he should be a Persian and Arabic scholar; but His Honour does not propose that the teaching of those languages should be in any degree his chief function. It is much more important that he should be able to direct their education in European science and art, and to teach in the Calcutta Madrissa the most important branches. And most important of all, much more important than his being a mere oriental scholar, is that he should be a man fitted to lead, to influence, and to discipline youth—a man with the talent of a headmaster of a public school, and a temper fitted to deal with and attach to him the natives of India.”

16. The Commissioners of Dacca, Rajshahye, and Chittagong, will be requested to appoint at once committees consisting of the Magistrate, the District Engineer, two or three educated Mahomedans, and a representative of the local college or school, to propose a scheme for buying or building, close to the school or college, a Madrissa containing three or more school-rooms, accommodation for not less than thirty boarders, and a house for the resident Superintendent. The outside cost of the whole should not exceed Rs. 25,000 for each Madrissa; the committee will best be able to decide what kind of buildings should be built or bought in each case. The Commissioners of these divisions may also take such steps as they may see fit, either by public meeting or otherwise, to interest the Mahomedan public in the movement.

By order of the Lieutenant-Governor of Bengal,

C. BERNARD,

Offg. Secy. to the Government of Bengal.

No. 1106, dated Simla, the 9th August 1909.

From—SIR HAROLD STUART, K.C.V.O., C.S.I., Secretary to the
Government of India, Home Department.

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

In reply to your letter No. 2314 L.R., dated the 20th July 1909, I am directed to say that the Government of India are disposed to concur in the view taken by His Honour the Lieutenant-Governor in regard to the appointment of Saiyid Ali Nawab as Mutwalli of the Hooghly Imambara, but that they consider that before final orders are issued it would be well to give Nawabzada Saiyid Asrafuddin Ahmad Khan Bahadur, an opportunity of stating any objections he may have to urge against the action which His Honour proposes to take.

From

B. DE, Esq., I.C.S.,

Offg. Commissioner of the Burdwan Division,

To

The Chief Secretary to the Government of Bengal,
Revenue Department.

Dated Chinsurah, the 21st August 1909.

SIR,

I have the honour to bring to the notice of the Government the strained relations that are unfortunately at present in existence between the Mutwalli of the Hooghly Imambara and the Committee of Management.

2. Government is aware that the present Mutwalli Syed Ali Nawab took over charge of his office on the 4th December 1908, having been appointed as such in Government order No. 4464, dated the 20th November 1908.

3. I regret to have to report that since the very beginning the Committee has assumed a most unfriendly attitude towards the Mutwalli. The Mutwalli has reported that since assuming charge on the 4th December 1908, he has repeatedly written to the Committee on matters relating to the Imambara but has got no replies from that body. Latterly the Committee wanted to correspond with the Mutwalli through their Head Clerk, the Mutwalli naturally objected to this and courteously pointed out to the Committee that the subject matters of their Head Clerk's letters should be communicated to him direct by the Committee and not by the Head Clerk, who, he observed, was neither a member of the Committee nor member in charge of the Committee's office, and he added that if he was written to direct he would consider it his duty to accede to their request without delay. The Mutwalli addressed this letter on the 22nd April last, but no reply seems to have yet been vouchsafed by the Committee.

4. The above is far from all. Owing to the hostile attitudes of the Committee things are almost at a dead lock. At first the Committee did not pass the bills of the Mutwalli for the month of December last; as it was necessary to pay the establishment, the Local Agent took it upon himself to pass them. That the Committee is not guided by any principle in its action will appear from the fact that they sent the necessary cheques for the subsequent months of January to April 1909, and again sent none in respect of the months of May, June and July. It is with regard to the grain allowance

payable to the Imambara establishment that they seem to have taken a determined attitude. They issued a cheque on this account for December 1908, on the 4th February 1909, but they have sent no cheques for this for any subsequent months, though this has been provided for in the budgets of the Mohsin Endowment Fund. The grain allowance bills may, I consider, be paid by the Local Agent like the establishment bills, though this has not yet been done.

5. The conduct of the Committee appears to me to have been extremely unsatisfactory and capricious. It may, I think, be considered to amount to positive neglect of duty; but I am afraid that the Committee can only be sued in the Civil Court for such neglect of duty.

6. I would solicit early instructions as to the line of action which should be taken.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) B. DE,

Offg. Commissioner.

No. 2861, dated Calcutta, the 24th August 1909.

From—SIR CHARLES ALLEN, KT., I.C.S., Offg. Chief Secretary to the
Government of Bengal, Revenue Department.

To—The Commissioner of the Burdwan Division.

With reference to the correspondence resting with your letter No. 20R.G., dated the 27th May 1909, regarding the memorial of the 21st January 1909, against the appointment of Maulvi Saiyid Ali Nawab to be the Mutwalli of the Hooghly Imambara, I am directed to state that opinion of counsels has been taken on the questions raised by the memorialists. Mr. B. Chakravarty, Dr. Rash Bihari Ghosh and Maulvi Siraj-ul-Islam, who were consulted are unanimously of opinion that the right to appoint to a vacancy in the office of mutwalli is vested in the Committee and not in Government, that the appointment of Maulvi Saiyid Ali Nawab was void *ab initio*, that in the eye of law Nawabzada Saiyid Ashrafuddin Ahmad is still the mutwalli, and that the grant of pension to the latter was *ultra vires*.

2. His Honour considers that this opinion must be accepted as finally disposing of the question, which has been raised regarding the authority of the Government to appoint a mutwalli. He would therefore, inform Nawabzada Saiyid Ashrafuddin Ahmad that legally he is still the mutwalli, and that his resignation, if he desires to resign, should be addressed to the Committee, who will take such steps as may be necessary for the appointment of a successor.

3. It is, however, considered that before final orders are issued Nawabzada Saiyid Asrafuddin Ahmad should be given an opportunity of stating the objections (if any) which he wishes to urge against the issue of these orders. I am accordingly to request that you will be so good as to inform him of the action which Government proposes to take and to call on him to submit to you any representation he may wish to make at a very early date. His representation should be forwarded by you to Government as soon as it is received.

No. ⁴⁴ B.G.—44, dated Chinsura, the 31st August 1909.

Memorandum by—B. DE, Esq., I.C.S., Offg. Commissioner of the Burdwan Division.

Copy of the following submitted to the Chief Secretary to the Government of Bengal, Revenue Department, for favour of orders, with reference to Government order No. 2861 of the 24th instant.

Dated Hooghly, the 30th August 1909.

From—NAWABZADA SAIYID ASHRAFUDDIN AHMAD, KHAN
BAHADUR.

To—The Commissioner of the Burdwan Division.

With reference to your No. 113 R.G., of the 25th instant which reached me on the 26th instant, enclosing a copy of the letter No. 2861, of the 24th August 1909, from the Under-Secretary to the Government of Bengal, I have the honour to express my very grateful thanks to His Honour for allowing me an opportunity of submitting a representation to Government as regards the legality of my son's appointment as Mutwali of the Hooghly Imambara.

But I beg leave to submit that it is very difficult for me to make an effective representation without having a copy of the opinions of the lawyers referred to in the Under-Secretary's letter, and also the copies of the statement of facts on which those opinions were given.

I, therefore, request that you will be pleased to move Government to favour me with the copies of the opinions of the lawyers and of the statements of facts supplied to them.

I would further most respectfully pray that Government would be graciously pleased to grant me reasonably sufficient time to enable me to prepare and submit my humble representation for the kind and just consideration of His Honour the Lieutenant-Governor.

GOVERNMENT OF BENGAL,
REVENUE DEPARTMENT.
6th September 1909.

DEAR Mr. DE,

I have laid before His Honour your letter No. 43 R.G.—38—LVII-I, dated the 21st August, regarding the friction between the Committee of Management and the Mutwallee of the Hooghly Imambara. Under the Lieutenant-Governor's order it has been strongly impressed upon the President of the Committee that Government will not tolerate the continuance of bickering between the two parties. I enclose, for your information, a copy of my demi-official No. D-578-D., dated the 31st ultimo, to the President. It is hoped that it will have the desired effect; but if the warning is disregarded, you will no doubt report again in due course.

Yours sincerely,
(Sd.) Illegible.

To

B. DE, Esq., I.C.S.,
Offg. Commissioner of the Burdwan Division.

No. D-578-D.

GOVERNMENT OF BENGAL.
Calcutta, the 31st August 1909.

MY DEAR SIR,

IN continuation of our conversation of yesterday I am to inform you that His Honour has heard with regret that considerable friction exists between the Mutwallee of the Hooghly Imambara and the Committee with the result that the transaction of the business of the Imambara is impeded. The Government has already taken into consideration the objections which have been preferred to the appointment of the present Mutwalee, and orders upon the subject will be issued in due course. There is no reason, therefore, why the Committee should assume a hostile attitude towards the Mutwallee, and the Government cannot permit a situation so detrimental to the interests of this important endowment to continue.

I am to request, therefore, as President of the Committee to use your influence to prevent bickering and to promote the harmonious discharge of the business of the Imambara.

Yours sincerely,
(Sd.) C. H. A.
Chief Secretary.

To

KHAN BAHADUR MIRZA SHUJAT ALI BEG,
10, Hungerford Street, Calcutta.

No. 1775 T.R.,* dated Darjeeling, the 8th September 1909.

From—B. A. COLLINS, Esq., I.C.S., Under-Secretary to the Government of Bengal, Revenue Department,

To—The Commissioner of the Burdwan Division.

With reference to your memorandum No. ^{46R.O.—44}_{LVII—1}, dated the 31st

* Vide enclosure to Government letter No. 2314 L.R., dated the 20th July 1909.

August 1909, and enclosure, I am directed to forward herewith, for transmission to Nawabzada Saiyid Ashrafuddin Ahmad, Khan Bahadur, a copy of the legal opinion* taken by Government regarding the legality of the appointment of Saiyid Ali Nawab as Mutwalli of the Hooghly Imambara, together with a copy of the statement of facts on which the opinion is based. In doing so I am to request that Saiyid Ashrafuddin Ahmad, may be asked to submit his representation within 14 days of the receipt of these papers.

Dated Calcutta, the 21st September 1909.

From—SHAMS-UL-ULAMA SHAIKH MAHMUD GILANI, President,
Hooghly Imambara Defence Association,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

I have the honour to submit that while the Shia Muhammadans of India have been anxiously waiting for orders on their memorial which they addressed through the Government of Bengal, to His Excellency the Viceroy and Governor-General of India in respectfully protesting against the appointment of Mr. Ali Nawab to the Mutwalliship of the great Shia Institution, the Hooghly Imambara, they have heard a report to the effect that Government has asked the Mutwalli of the Imambara for certain explanations, and that the Mutwalli has applied Government for time to do so till the end of December 1909. With regard to the explanation asked for from the Mutwalli I am to submit that in case the Mutwalli introduces any such men or matter as may prove prejudicial to the interest of the memorialists and may tend, if unrefuted, to the passing of orders adverse to the Shia community, you will, I hope be pleased to refer to me as President of the Hooghly Imambara Defence Association for such a reply or elucidation of facts as may be necessary. And if any legal point be raised by the Mutwalli in his explanation, you will kindly see that the point is discussed according to the Shia law, and not according to the Sunni law which differs in many respects greatly from the Shia law.

As to the long time which the Mutwalli is reported to have asked from Government for the purpose of submitting his explanation, I venture to remark that such a long time is obviously asked not for the purpose of preparing his explanation, but for some other motive he might have in view. Such a long time is by no means necessary to prepare an explanation in the circumstances of the case. Moreover, the next Muhurruim will begin in the middle of January 1910, and if no decision is made by Government regarding the mutwalliship of the Hooghly Imambara at an early date, the same kind of scruple in the exercise of the religious ceremonies will be felt by the Shia devotees and the pilgrims as was experienced by them in the last Muhurruim.

No. 67 R. G., dated Chinsura, the 21st September 1909.

Memo. by—B. DE, Esq., I.C.S., Officiating Commissioner of the
Burdwan Division.

Copy of the following is submitted to the Chief Secretary to the
Government of Bengal for consideration and orders.

Dated Hooghly, the 19th September 1909.

From—NAWABZADA SAIYID ASHRAF-UD-DIN AHMAD, KHAN
BAHADUR,

To—The Commissioner of the Burdwan Division.

I have the honour to acknowledge receipt of the enclosures from the Government of Bengal regarding the Hooghly Imambara, which you were good enough to forward to me (*vide* your Memorandum No. 125 R. G., on the evening of the 9th instant). As the papers dealt with important and intricate questions of law regarding the right to nominate or appoint the Mutwalli of the Hooghly Imambara, I made over the same to my lawyer, Babu Bhupendra Nath Basu of Calcutta, on the 10th instant. He told me at the time that it would be very difficult to deal with the case fully and adequately within a fortnight and he writes to me now a letter, which in original, I beg leave to annex herewith for Government's information.

As mostly the leading lawyers are absent owing to the Puja holidays, Babu Bhupendra Nath Basu wants time till a fortnight after the reopening of the High Court.

I hardly venture to ask the Government for this favour, but I am emboldened by the kindness which the Government has always shown me to make the request for the time required by my lawyer in the hope that it may be granted.

If, however, the Government is unwilling to grant the extension wanted, I shall be content with whatever time the Government may be graciously pleased to grant me, my only submission being that a shorter time will not allow Babu Bhupendra Nath Basu to take the opinion of eminent counsel on my behalf and submit the same before Government for its consideration.

No. 8163, dated Calcutta, the 18th September 1909.

From—BABU BHUPENDRA NATH BASU, Solicitor,

To—Nawabzada Khan Bahadur Ashraf-ud-din Ahmad.

The papers which you made over to me on the 10th instant raise very serious and important questions both as regards yourself and your son, as well as regards Government; I am perusing the papers and getting together all the various materials extending over

a century. It was very good of Government to have given you an opportunity to state your case, but with due deference I venture to submit that a fortnight's time is much too short in which to collect all the materials and work up the case properly: the difficulty is further enhanced by the absence of leading counsels from Calcutta owing to the puja holidays.

I would therefore, advise you to apply to Government for further time, and I have no doubt that the Government will accede to your prayer.

The High Court reopens on the 12th November, and a fortnight after the reopening will enable me to present a complete case to Government on your behalf. supported by the opinion of leading lawyers.

No. 2216 T. R., dated Darjoeling, the 28th September 1909.

From—H. T. CULLIS, Esq., I.C.S., Officiating Under-Secretary to
the Government of Bengal, Revenue Department,

To—The Commissioner of the Burdwan Division.

In reply to your memorandum No. 67 R. G., dated the 21st September 1909 and enclosures, I am directed to say that, in the circumstances stated, the Lieutenant-Governor is pleased to allow time up to the 26th November 1909, to Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, to submit his representation.

No. 2317 T. R., dated Darjeeling, the 5th October 1909.

From—H. T. CULLIS, Esq., I.C.S., Officiating Under-Secretary to
the Government of Bengal, Revenue Department,

To—The President, Hooghly Imambara Defence Association.

With reference to your letter, dated the 21st September 1909, regarding the appointment of a mutwalli for the Hooghly Imambara in succession to Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, I am directed to inform you that His Honour the Lieutenant-Governor has been pleased to allow time up to the 26th November next to the Nawabzada to submit his representation to Government. When this is received, Government will consider whether it will require any further information in the matter, and from whom that information should be sought.

No. 1431, dated Simla, the 7th October 1909.

From—P. W. MONIE, Esq., Under-Secretary to the Government
of India, Home Department,

To—The Chief Secretary to the Government of Bengal, Revenue Department,

I am directed to refer to the Home Department letter No. 1106 dated the 9th August 1909, regarding the appointment of Saiyid Ali Nawab as Mutwalli of the Hooghly Imambara. and to request that with the permission of His Honour the Lieutenant-Governor, any representation which Nawabzada Saiyid Ashraf-ud-din Ahmad may have made on the subject may be forwarded to the Government of India at an early date.

2. I am also to enquire whether the Lieutenant-Governor has taken any action on Shaik Mahmud Gilani's letter of the 21st September 1909, and whether His Honour has any remarks to offer regarding it.

No. 2564 T. R., dated Darjeeling, the 14th October 1909.

From—F. W. DUKE, Esq., I.C.S., Chief Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Government of India, Home Department.

With reference to Mr. Monie's letter No. 1431, dated the 7th October 1909, I am directed to state, for the information of the Government of India that on his submission that it would be very difficult for him to obtain satisfactory legal advice until after the Puja vacation and the reopening of the High Court, His Honour the Lieutenant-Governor has been pleased to allow time up to the 26th November next to Nawabzada Saiyid Ashraf-ud-din Ahmad to submit his representation in connection with the appointment of a mutwalli of the Hooghly Imambara.

2. In reply to his letter of the 21st ultimo Shaikh Mahmud Gilani, the President of the Hooghly Imambara Defence Association, has been informed of the extension of the time granted to the Nawabzada, and he has been told that when the representation of the latter has been received, this Government would consider whether it would require any further information and from whom that information should be sought.

No. 658 W. T., dated Darjeeling, the 21st October 1909.

From—E. LISTER, Esq., I.C.S., Offg. Secretary to the Board of
Revenue, L. P., Land Revenue Department,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

I am directed to request you to be so good as to lay before Government for orders, the following recommendations of the Board in connection with the administration of the Mohsin Endowment Fund.

2. The principal source from which the fund derives its income is the Syudpur trust estate in Khulna (which was a part of the district of Jessore at the time of the creation of the Fund). This trust estate consists of landed properties in parganas Syudpur and Sobnal. It is managed by the Collector with the aid of a manager in the same way as a ward's estate under the supervision of the Board, but subject to the orders of the Government of Bengal regarding the disposal of its income. The Local Government in its order No. 501, dated the 23rd August 1879, laid down that the Collector should remit monthly a sum of Rs. 5,000 (or Rs. 60,000 annually) out of the net income of the estate to the Local Agent (Collector) at Hooghly for distribution in the following way:—

- (i) One-ninth to the Mutwali of the Hooghly Imambara as his salary.
- (ii) Three-ninths to the Imambara Committee for religious purposes.
- (iii) Four-ninths for secular purposes, *e.g.*, for the maintenance of Madrassas.
- (iv) One-ninth to the Hooghly College.

Both (iii) and (iv) under Government control.

Government also commended to the Board the suggestion that annual balances over and above the Rs. 60,000 so remitted should be distributed in the same proportions at fairly frequent intervals, at the end of a financial year, after reserving at the end of each year a working balance of at least Rs. 4,000.

3. Recently the Commissioner of the Presidency Division has drawn the attention of the Board to the difficulties that have from time to time, been experienced in recent years in remitting the monthly due of Rs. 5,000 with punctuality; and the Commissioner of Burdwan, on his side, has complained of the irregularity in the receipt of the remittances. A statement is appended which exhibits for the last 25 years the annual balances, and the occasions on which there has been delay in the payment of the Rs. 5,000 per month to the Local Agent.

4. The Collector of Khulna now proposes that this minimum initial balance be raised from Rs. 4,000 to Rs. 10,000. He points out that,

as regards the portion held direct. the collections of the estate depend on the harvests, and that it is impossible to avoid the consequences of bad seasons. As regards the large area given out in patni leases, the patnidars seldom pay until compulsory legal proceedings are taken against them. The Commissioner is satisfied that no improvement in the machinery of collections can obviate fairly frequent defaults in remittance, and that the obvious remedy consists in an increase of the initial balance for which Rs. 10,000 would be a suitable sum. The Board agree with the Commissioner.

5. Government, in their order of 1879, relating to the administration of the fund, did not prescribe any hard-and-fast rule about the distribution of the surplus profits among the sharers, merely observing that as the Mutwali's interest was a life interest only, a distribution at reasonable intervals was desirable. The Board fixed five years as a reasonable interval, but the tendency of late has been in the direction of curtailing this period. If the proposal regarding the initial balance is sanctioned, the Board consider that the annual division of the surplus profits will ordinarily be practicable. But at the same time the Board are reluctant to bind themselves to a hard-and-fast rule making the annual distribution a matter of right to the sharers. They would recommend that the Accountant-General should, each year, after making provision for an initial balance of Rs. 10,000 apply for the sanction of the Board to the distribution of the surplus. After consulting the local officers, the Board, would, in the absence of any reason to the contrary, grant its sanction.

Statement showing the actual working balance of the Syedpore Trust Estate at the close of each year.

Year.	Amount in round figures.	Year.	Amount in round figures.
	Rs.		Rs.
1884-85 ...	16,705	1897-98 ...	3,106†
1885-86 ...	20,243	1898-99 ...	17,124†
1886-87 ...	33,902	1899-00 ...	4,486†
1887-88 ...	33,476	1900-01 ...	6,748†
1888-89 ...	28,532	1901-02 ...	11,259
1889-90 ...	5,541	1902-03 ...	18,186
1890-91 ...	9,974	1903-04 ...	19,802
1891-92 ...	11,173	1904-05 ...	24,095
1892-93 ...	7,925	1905-06 ...	14,315
1893-94 ...	6,309*	1906-07 ...	11,073
1894-95 ...	5,418†	1907-08 ...	3,018
1895-96 ...	3,517†	1908-09 ...	6,377‡
1896-97 ...	5,934		

* Monthly payment to the Mohsin Fund could not be made fully within the year.

† Monthly payment to the Mohsin Fund could not be made more punctually

‡ Payment to the Mohsin Fund had to be withheld from July to September 1909, as the working balance at the close of the previous year was Rs. 3,018.

(Sd.) JOTINDRA NATH BOSE,
Manager, Syedpore Trust Estate.

Copy of a Resolution passed unanimously in a general meeting of Anjuman Shiatus Safa, Delhi, held on the 24th October 1909 under the presidency of Moulvi Shaikh Muhammad Ali, Vice-President.

(a) We, the members of the Anjuman Shiatus Safa, Delhi, assembled in a meeting most respectfully beg to bring to the kind notice of His-Honour the Lieutenant-Governor, Bengal, that the Shia Public of Delhi has been anxiously waiting for a favourable reply to the memorial submitted to His Honour by the "Hooghly Imambara Defence Committee," Calcutta, on the 19th January 1909, against the sudden appointment of Ali Nawab as Mutwalli of Imambara Mohsiniya, Hooghly, and the award of pension to his father Ashraf-ud-din, Khan Bahadur, the late Mutwalli of the abovementioned waqf.

(b) Resolved that a copy of the above resolution be sent to His Honour the Lieutenant-Governor, Bengal, and to the "Hooghly Imambara Defence Committee," Calcutta.

(Sd.) SAIYID SULTAN RIZA AGIL,

Secretary.

FARASHKHANA, DELHI,

The 10th November 1909.

Dated Calcutta, the 3rd November 1909.

From—SHAMS-UL-ULAMA SHAIKH MAHMUD GILANI, President
Hooghly Imambara Defence Association,

To—The Chief Secy. to the Govt. of Bengal, Revenue Department.

I have the honour to forward a copy of the resolutions passed in a meeting of the Hooghly Imambara Defence Association held on the 30th October 1909, and beg to append herewith the telegrams* and letters* which the different Shia Associations and individuals have sent to express their anxiety regarding the appointment of the mutwalli of the Hooghly Imambara. I may be permitted to express a hope that Government will be graciously pleased to settle the matter at an early date.

Copy of the resolutions passed in a meeting of the Hooghly Imambara Defence Association held on the 30th October 1909.

Proposed by Prince Mirza Ibrahim (Oudh Family.)

Seconded by Prince Mirza Baber (Oudh Family.)

(1) That this general meeting of the Hooghly Imambara Defence Association for itself and on behalf of the other Shia Associations in the country respectfully begs to express its great anxiety at the delay in the settlement of the question of the appointment of a mutwalli of the Hooghly Imambara, which will place them in a disadvantageous position, and to pray that Government may be so gracious as to pass an order at an early date for the appointment of a qualified Shia gentleman to the post before the end of the present year so that the next Muharrum in Hooghly which begins by the middle of January 1910, may not prove a failure like the last Muharrum in which the majority of respectable Shias did not take part for religious scruples.

Proposed by Aga Saiyid Hosain Shushtari.

Seconded by Aga Saiyid Jalal Moaidul Islam.

(2) That the President of the Hooghly Imambara Defence Association may be requested to forward a copy of the above resolution to Government with originals of the various telegrams and resolutions received by the Associations on the subject.

(Sd.) SHAMS-UL-ULAMA SHAIKH MAHMUD GILANI,

President.

* Excluded.

No. 3447, dated Calcutta, the 16th November 1909.

From—B. A. COLLINS, Esq., I.C.S., Under-Secretary to the
Government of Bengal, Revenue Department,

To—The President, Hooghly Imambara Defence Association.

With reference to your letter, dated the 3rd November 1909, and enclosures, praying that the question of the appointment of the mutwalli for the Hooghly Imambara may be settled at an early date, I am directed to refer you to this Government letter No. 2317 T.R., dated the 5th October last, in which you have been informed that Nawabzada Saiyid Ashrafuddin Ahmad, Khan Bahadur has been allowed time up to the 26th instant to submit his representation on the questions at issue.

No. 3620, dated Calcutta, the 26th November 1909.

From—B. A. COLLINS, Esq., I.C.S., Under-Secretary to the Govt.
of Bengal, Revenue Department,

To—The Secretary, Anjuman Shiatus-Safa, Delhi.

In acknowledging the receipt of your letter, dated the 10th November 1909, forwarding a copy of the resolution passed at a meeting of the Anjuman Shiatus-Safa, Delhi, held on the 24th October 1909, against the appointment of Saiyid Ali Nawab to be the mutwali of the Hooghly Imambara, I am directed to say that the matter is under the consideration of this Government.

No. 261 C., dated Chinsura, the 29th November 1909.

From—D. J. MACPHERSON, Esq., C.I.E., I.C.S., Commissioner of the
Burdwan Division,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

With reference to your letter No. 2861, dated the 24th August 1909, and subsequent correspondence, regarding the appointment of Maulvi Saiyid Ali Nawab as mutwali of the Hooghly Imambara, I have the honour to forward, for the consideration of Government, copy of a letter, dated the 26th instant, with enclosures in original, received from Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur. It will be observed that he has obtained the opinion of several well-known counsels to the effect that the right to appoint to a vacancy in the office of mutwali is not vested in the committee of management, but that an existing mutwali has the right to nominate his successor. I am not called upon to offer my remarks on the subject, and content myself with transmitting the representation.

Dated Hooghly, the 26th November 1909.

From—NAWABZADA SAIYID ASHRAFUDDIN, KHAN BAHADUR,

To—The Commissioner of the Burdwan Division.

In reference to your memorandum No. 154 R. G., dated the 2nd October 1909, and in compliance with the wishes of His Honour the Lieutenant-Governor of Bengal contained therein, I have the honour to submit the legal opinions obtained by me on the subject.

2. I have further to submit that the difficulties raised have been solved, as both under the Muhammadan Law and the will of the donor, as well as the practice hitherto followed, the action of the Local Government as the permanent trustee of the Mohsin Endowment in confirming the appointment of Saiyid Ali Nawab as successor to me as mutwali of the Hooghly Imambara is valid, just and proper.

3. The learned advocates whom I consulted are Shams-ul-ulama Munshi Mahomed Yusuff, Khan Bahadur. B.A., B.L., Messrs. A. Choudhury, Saroda Charan Mitter, Mahmudul Huq, Mahomed Ishfaq, S. Asghar, S. M. Sheriff and others of the English and Calcutta bar, while Mr. B. N. Basu, the well-known solicitor, was in charge of the case.

Re the Mohsin endowment.

From the case submitted to us, the following appear to be the facts of the case:—

The endowment in question was created by a deed, executed on the 20th April 1806, by Hajee Mahomed Mohsin.

The deed has been differently described by different persons as a "Wasecutnama" (a testamentary document), as a "Towliatnama" (deed of endowment), and as a "Towliat-miul-Wasiet" (a testamentary trust).

A translation of the deed is to be found in 6 Sud. D. A., page 113.

The translation is said not to be quite accurate, but may be taken for present purposes as correct, except with regard to one passage which will be referred to later on.

By this deed Rajab Ali Khan and Shakir Ali Khan were appointed mutwalis in the following terms:—

"I have hereby appointed Rajab Uli Khan, son of Sheikh Mahumud Sadiq, and Shakir Uli Khan, son of Ahmud Khan, who have been tried and approved by me, as possessing understanding, knowledge, religion and probity, mutwalis (or trustees) of the said waqf, or appropriation, which I have entrusted to the above two individuals, that aiding and assisting each other they may consult, advise and agree together in all matters connected with the joint management of the business of the said appropriation, in the manner following. The aforementioned mutwalis, after paying the revenues of the Government, shall divide the remaining produce of the muhals aforementioned into nine shares of which three shares first of all, they shall disburse in the observance of the fateha of Huzrut Syud-i-Kayunat (head of the creation), the last of the prophets, and of the sinless Imams (on all of whom be the blessings and peace of God): and in the expenditures appertaining to the Ushra of Mohurram-ool-huram (10 days of the sacred Mohurram,) and all other blessed days (of feasts and festivals), and in the repairs of the Imambara and cemetery. Two shares the mutwalis in equal proportion shall appropriate to themselves for their own expenses, and four shares shall be disbursed in the payment of the servant of establishment, and of those whose names are inserted in a separate list signed and sealed by me. In regard to the daily expenses, monthly stipends of the stipendiaries, respectable men, peadas and other persons who, at the present moment, stand appointed the mutwalis aforementioned, after me, have full power to retain, abolish or discharge as it may appear to them most fit and expedient."

The concluding portion of the deed, as translated in the Sudder Dewany Adawlat, runs as follows:—

"I have committed the mutwaliship to the charge of the two above-named individuals as a common (aum) towliet. In the event of a mutwali finding himself unable to conduct the business of the endowment, he may appoint any one whom he may think most fit and most deserving, as mutwali to act in his stead."

The expression "aum towliet" in the above has been mistranslated as a "common towliet." It ought to be "I have made a general trust to these two persons" or perhaps more accurately, "I have made a trust without any reservations, to those two persons."

(See the note prepared by Shams-ul-ulama Khan Bahadur Maulvi Mahomed Yusuff on this point annexed hereto and marked Appendix A.)

The expression "Tafwiz-i-am" is a technical expression in Muhammadan Law, and a mutwali of a waqf estate created by way of "general trust" (tafwiz-i-am), has, according to the authorities, full power to appoint his successor either in sickness, or in health (see the note prepared by Shams-ul-ulama Maulvi Mahomed Yusuff, Khan Bahadur, annexed hereto and marked Appendix A-1.)

Shakir Ali Khan died in April 1813 appointing his son, Bakir Ali Khan, mutwali.

It was alleged by one Wasiq Ali Khan that his father, Rajab Ali Khan, the other mutwali, had in the month of Magh 1220 appointed him his successor by a deed dated the 13th January 1814.

It appears that the Board of Revenue and the Collector of Hooghly purporting to act under Regulation XIX of 1810 deputed one Saiyid Ali Akbar Khan on the 16th November 1815 as Amin and temporary manager of the endowed estate, and afterwards made over to his charge the lands attached to the endowment.

The estate was apparently again restored to the mutwalis on the 9th July 1816.

In September 1818 the Board of Revenue again took possession of the estate and entrusted its management to Saiyid Ali Akbar Khan.

This led to litigation, and in the result the Sudder Dewany Adawlut held (after some conflicting judgments) that—

- (1) The deed executed by Hajee Muhammad Mohsin was of the nature of a testamentary trust.
- (2) That it had not been established that Wasik ever obtained possession of the trust estate or had management thereof.
- (3) That corruption on the part of Wasik had not been established.
- (4) That under the terms of the original trust deed the endowment was not excluded from the control or superintendence of the Board of Revenue.
- (5) That Rajab Ali Khan had no power, under the provision of sections 11, 12 and 13 of Regulation XIX of 1810, to appoint a successor without the knowledge and consent of the Revenue authorities.

The reporter, however, has a note against (5) that it was mere "dictum" as "point not ruled."

The suit was filed in 1825 and decided by the Sudder Dewany Adawlat on the 22nd September 1836.

It appears that Saiyid Ali Akbar Khan was removed by the Government for misapplication of trust funds in 1836.

There seems to be some doubt about the capacity in which Saiyid Ali Akbar held the management of the estate having regard to the following passage taken from the judgment of Mr. C. R. Barwell, page 122, 6 S. D. A. :—

"The appellant lays much stress upon an order of the Board of Revenue, dated the 15th September 1818, respecting the appointment of

Uli Ukbar Khan, in which he (the appellant) is termed mutwali: but no enquiry appears to have been made on the occasion and the mere casual insertion of the title in an office order cannot avail as evidence in the case."

After the removal of Saiyid Ali Akbar Khan the Government appointed Saiyid Keramat Ali who assumed charge of his office in 1837, one Jain-ud-din Khan acting between the period of Ali Akbar's dismissal and Keramat Ali's appointment.

In 1858 a question arose as to whether Saiyid Keramat Ali was entitled to pension upon retirement, and from the copy of an extract of the letter, No. 329, dated the 17th December 1858, from the Secretary to the Board of Revenue, Lower Provinces, to the Commissioner of the Burdwan Division, it appears that at that time, the Board considered that if Keramat Ali found himself incompetent to discharge the functions of his office, he could not get a pension under the terms of the deed, but was to appoint a successor (see Appendix B for copy of this letter).

Saiyid Keramat Ali, as a matter of fact, appointed Saiyid Ashraf-ud-din Ahmad as his successor, and the Government accepted his nomination in 1875.

In the meantime Act XX of 1863 had come into operation, and it appears that by a notification purporting to be under that Act, dated the 29th July 1871 (published in the *Calcutta Gazette* of the 2nd August 1871, page 1489), the Government appointed a committee for the Hooghly endowment.

The committee so appointed had nothing to do with the appointment of Saiyid Ashraf-ud-din Ahmad.

Besides, the intention of the Government as regards the management by the Committee so appointed is clearly expressed in the letter of the Government of Bengal, Revenue Department, Land Revenue, No. 219, dated Calcutta, the 26th January 1876. It explains that the order's appointing the committee "were purposely so worded as to show that it was not meant to transfer to the committee the charge of the Syedpur estate (the endowed estate), but only to make over to them that portion of the proceeds of three-ninths share of the endowment, which is appropriated to religious uses. The letter further seeks to explain the orders of the Government in 1838 relating to the Kharij Towlicat estates which had apparently been understood as declaring the mutwali of the Imambara an independent malguzar, and declares the intention of the Government not to press the question of title which it might have been able to establish in those lands but to consider such lands as vested in the religious manager of the Imambara as a trust for the purpose of the institution (see appendix C for the letter above mentioned).

About the year 1900, a question arose about the powers of the committee appointed as aforesaid, and we find the following statements made by the Officiating Commissioner of the Burdwan Division, in a letter addressed by him to the Secretary to the Government of

Bengal, Revenue Department, being letter No. 47 R. G., dated Chinsura, the 30th September 1900 :—

- (i) That the funds and properties of the endowed estate had been devoted (with the sanction of the Government) partly to secular and partly to religious uses.
- (ii) The Board of Revenue and the local agents have retained their functions and powers under Regulation XIX as regards the secular portion, but as regards the religious portion they are transferred to the committee.
- (iii) That it had always been the practice for the mutwali to nominate his successor subject to Government confirmation.
- (iv) that the Committee had not up to that time claimed, much less exercised, the right to supersede Government in the confirmation of the mutwali's nomination of his successor.

It also appears that in 1908 Saiyid Ashraf-ud-din Ahmad nominated his son, Saiyid Ali Nawab, as his successor, and the nomination was confirmed by the Government of Bengal in November 1908, in conformity to the terms of the deed and the established practice.

Some of the Shias dispute the authority of Saiyid Ashraf-ud-din Ahmad to nominate his successor, and claim that the right of nomination, as also the right of confirmation, if confirmation be at all necessary, belong to the committee.

Our opinion is sought upon the contentions thus raised.

It is, therefore, necessary first of all to examine the original trust deed for the intention of the testator and the powers given by him to the mutwalis he appointed.

It is quite clear that the settlor intended to give each mutwali power to appoint his successor.

The trust in this instance is a "general trust", and the mutwali of such a trust is, in Muhammadan Law, empowered to appoint his successor, even if he be in good health, if he finds himself unable to manage the business of the waqf.

By virtue of such power one of the original mutwalis appointed his successor who acted as a mutwali thereafter.

The other original mutwali, it must be taken, died without making a valid appointment, although his son claimed to have been appointed by a deed.

The Government, however, in September 1818, took possession of the endowed estate and appointed one Saiyid Ali Akbar manager. As has already been pointed out, there is some doubt about the character in which he managed the endowed estates. Ali Akbar Khan was removed by the Government in 1836, and Saiyid Keramat Ali was appointed by the Government in 1837. From the letter No. 329, dated the 17th December 1858, above cited, it is quite clear that the Board then considered that Keramat Ali could appoint his successor if he found himself unable to discharge his function. We

find that thereafter Keramat Ali exercised this right, with the approval of the Government and without any interference from the committee appointed in 1871 under Act XX of 1863.

The Government having already confirmed the nomination of Ali Nawab by his father Saiyid Ashraf-ud-din Ahmad, the question arises as to how far the committee can claim the right to supersede the Government, that is to say, what *locus standi* the committee has in this matter.

From 1871 to 1900 the committee never claimed any such right. In 1900 the committee for the first time raised the point but unsuccessfully. If the committee has, however, the right in law, it cannot be said that they are debarred from raising the same question now.

The committee was formed under the provisions of section 7 of Act XX of 1863.

(See Appendix D annexed hereto for the words of the section.)

It is, therefore, necessary to see what powers were exerciseable by the Board and local agents under Regulation XIX, and consider the exception made by section 21 of Act XX of 1863, and what the terms of the appointment were.

The terms of appointment of the Hooghly Imambara Committee are:—"The Lieutenant-Governor has been pleased to appoint the under-mentioned gentlemen to be the members of Committee of Trustees to that portion of the proceeds of the Syedpur estate which has been appropriated to religious uses (see *Calcutta Gazette* dated the 2nd August 1871, page 1489).

Looking at section 21 of Act XX of 1863, it is clear that the Government treated the case of this particular endowment as one in which land or other property had been granted for the support of an establishment partly of a religious and partly of a secular character, or as one in which the endowment made for the support of an establishment was appropriated partly to religious and partly to secular uses.

The intention of the Government in making the order in the above terms is explained in their letter No. 219, dated the 26th January 1876, above cited, namely, that the Government did not mean to transfer to the committee the charge of the Syedpur estate, but only to make over to them that portion of the proceeds of the endowment which was appropriated to religious uses.

The Board did not part with its power to manage, or superintend the management of the corpus of the endowed estate, but made over to the committee the proceeds of a certain portion of the estate for management. The intention of the Government is also explained in their letter No. 189 of the 25th April 1902 (*vide* Appendix E, hereto annexed).

It is difficult to see how the committee can claim the right to nominate a successor to the mutwaliship under the circumstances.

Section 7, however, of Act XX of 1863 is only applicable to cases described in section 3 of that Act (see Appendix F annexed hereto for the words of the section).

The question is not merely as to whether this particular Imambara came under the provisions of Regulation XIX of 1810, but further as to whether at the time Act XX of 1863 was passed, the nomination of the trustee, manager or superintendent of the Imambara had vested in, or might be exercised by, the Government or any public officer, or in respect of which the nomination was subject to the confirmation of the Government, or any public officer.

It cannot be said that in this case the right of nomination had vested in the Government at the time of the passing of the Act.

The Government had taken possession of the endowed properties, and Keramat Ali was appointed by them mutwali (leaving aside the case of Syed Ali Akbar Khan, it being doubtful in what capacity he had acted for reasons above given) apparently as quazi, namely, as the authority then administering the Muhammadan Law.

The quazi has undoubtedly authority to appoint a mutwali in the case of corruption. The former mutwalis were removed on that ground, and also Saiyid Ali Akbar Khan. We can, therefore, proceed upon the basis that Saiyid Keramat Ali was duly appointed mutwali by the quazi, namely, the then authority.

The question, therefore, to be next considered is whether having appointed Keramat Ali, the Government still had power to appoint his successor, or did Keramat Ali become clothed with the right to appoint his own successor, upon his appointment.

The clear intention of the settlor was to give a mutwali the right to appoint his successor. The power was not limited to the two mutwalis appointed by him. It is to be noted that the expression used by him is in the singular. Under the Muhammadan Law "it is necessary to follow and observe the intention of the waqif, for it is said that the intention of the waqif is like the command of the law-giver, or the prophet, that is, in the necessary performance for a duty."

(See 6 S. D. A., 620).

It may be said that the quazi in this case did not appoint two mutwalis, but only one, whereas under the deed two had been appointed, and that it was the clear intention of the settlor that the two mutwalis appointed by him should act in concert, and that therefore, one mutwali upon his appointment could not be considered as clothed with the right which was intended for two of them, and that in consequence the appointment by the Government of one gave him such rights as were given by the terms of his appointment. We do not think this sound. It is to be noted that the Board, in their letter No. 329 of 17th December 1858, above referred to, clearly stated that it was their intention to follow the terms of the original deed, and that Keramat Ali was to appoint his successor when the time arrived. There is no contrary intention expressed anywhere. In

the circumstances above fully set out, it cannot, in our opinion, be said that at the time of the passing of Act XX of 1863 the Government had in it vested the right of nomination, or that it might have exercised the right, or that the nomination was subject to its confirmation in law.

It has already been pointed out that the Board of Revenue did not transfer the Syedpur Trust Estate except the Imambara, the hat and gardens at Hooghly, etc., to the committee under section 12 of Act XX of 1863, and it is impossible to say that even if the Government had the right to nominate, or to control the power of nomination, such right was transferred to the committee appointed in 1871, having regard to the very carefully worded order of appointment above quoted.

The word quazi has been interpreted in the above as the authority administering the Muhammadan Law, but the usually accepted interpretation is, that it means a "judge" which is the correct interpretation. In that view the executive Government usurped functions which it did not possess, and that therefore no legal powers have vested in it, so far as the nomination of a mutwali was concerned, nor might it legally exercise the right to nominate, or control the nomination, and therefore the Board of Revenue or the committee could not have any such powers.

The Board of Revenue clearly divided the endowment into two parts, namely, one for secular, and the other for religious purposes. It is a very difficult question as to whether this was a lawful division having regard to the terms of the original deed, by which "the whole of the property" was dedicated "purely for the sake of God." No doubt the mutwalis were directed to divide the income after payment of Government revenue, into nine shares, three of which were to be devoted for specified religious festivals and observances and the repairs of the Imambara, two parts for their own maintenance, and the remaining four for the establishment and payment of pensions to certain persons named in a list. It is difficult to say from the deed that any portion of it could be justly separated for secular purposes. The matter is important, as by section 21 of Act XX of 1863 the Board is given the power to make separate arrangements for the separated parts. If the division was an illegal one, it cannot be said that the committee, or the Board, have acquired legal rights in respect of such divided property.

We think, however, it is unnecessary to go into this question or into the further question as to the rights of the Government, if the original deed be considered as "Testamentary Trust." It was held by the Sudder Dewany that it was Testamentary Trust, and if we consider that the Government took upon itself to manage the estate as if it was an executor, there is nothing which clashes against the claim of the Government to confirm the nomination of a successor, such nomination being made by the mutwali holding the office, in this case holding such office, with its approval.

In the present state of the law the power to remove mutwalis is vested in the law Courts.

The Government has sanctioned the appointment of Saiyid Ali Nawab, and if some of the Shia community or the committee want to question it, the proper course, it is urged, would be to leave them to their legal remedy.

We have had the advantage of reading the opinion of eminent advocates who have taken an opposite view, but it seems to us that the facts were not fully placed before them.

At any rate we do not see any reason for altering our view of the matter.

We are of opinion—

That Saiyid Ashraf-ud-din Ahmad properly appointed his son, Saiyid Ali Nawab, who, it is stated, was trained for the mutwaliship for some years and whose nomination was notified to the Government of Bengal on the 9th December 1906, and the said Government in 1908 confirmed the said nomination and appointment. Having regard to all those facts we think that the objecting party should be left to pursue their remedies, if any, in a properly constituted law court.

It may be noted that the second committee, which was appointed on the 23rd July 1875, did not raise any such questions as are now being raised.

A. CHAUDHURI,
Barrister-at-Law.

MAHOMED YUSUFF,
Vakil, High Court, Calcutta.

MAHOMED ISHFAK,
Vakil, High Court, Calcutta.

MAHMUDUL, HUQ,
Barrister-at-Law.

S. A. A. ASHGAR,
Barrister-at-Law.

S. M. SHERIFF,
Barrister-at-Law.

BHUPENDRA NATH BASU.
Vakil and Solicitor, High Court.

CALCUTTA,
The 25th November 1909

APPENDIX A.

IN *re* HOOGHLY IMAMBARA.

OF the questions that have been put to me, the most important is the one relating to the appointment of Saiyed Ali Nawab as a successor of Khan Bahadur Ashraf-ud-din Ahmad to the office of the mutwali of the Hooghly Imambara. Upon that question my opinion is that upon the admitted facts of the case Saiyid Ali Nawab is the present mutwalli in fact and in law. He is so in fact because he was nominated by his father and his appointment has been sanctioned by Government. *He is so in law because the essence of what is necessary for a valid appointment as a Mutwali is the nomination by the Mutwali for the time being. What is not essential is the absence of his appointment by the committee appointed under Act XX of 1863, but this is not a defect vitiating the essence of the appointment, and the defect, if any, is more than made up by the sanction of the Local Government. My reasons for so thinking are as follows.*

2. Notwithstanding the Regulations and the Act the law which governs this and other questions relating to the waqf of the Hooghly Imambara is the Muhammadan Law which has not been affected by the legislation contained in those enactments in any way. Those enactments expressly and impliedly provide that the Muhammadan Law should be the governing law on all questions not provided for by the legislation. I shall show presently that in the nomination of the successor of a Mutwali, the Muhammadan Law is expressly preserved, and it would be surprising if it were not so, because the object of the legislation was to improve the management of endowments instead of the sequestration thereof and instead of the creation of new endowments. The sole object of legislation was the improvements of the management, and this was intended to be done by checking corruptions whilst preserving the agency of management contemplated by the grantor and laid down by him in writing instead of interfering with the management. The preamble of Regulation 19 of 1810 says there are grounds that the produce, if appropriated, is "appropriated contrary to the intentions of the donors". The duty of Government is to restore "the real intent and will of the grantor". Section 3 says measures are "necessary to insure the due appropriation to the purpose for which they were destined by the individuals by whom the endowments were made". Section 15 contemplates a suit for damages under certain circumstances. Section 16 shows the object of the Regulation "is solely to provide for the due appropriation of lands agreeably to the intent of the grantors". Section 12 contemplated the case "in which no private person may be competent and entitled to make sufficient provision for the successor to the trust and management" when the local agents are to take action. In 6 S.D.A. Rep., page 130 (Wasiq Ali Khan *versus* the Government), a letter of the Registrar is quoted in paragraph 4, that under the provisions of sections 3 and 5 of Regulation 19 of 1810 the Board cannot infringe private rights (section 10).

3. The translation of the passage from the waqfnama contained the old report of the Sudder Dewany Adawlut is not very accurate

or happily worded. The whole question turns upon the following passage of the waqfnama. The Persian words used are these:—

The correct translation of the passage is as follows:—

“And I have made (tufwiz-i-am) or general trust of the tawliat to these two persons. In the event of the Mutwali (in the singular) finding himself (ajiz or) unable to carry on (or anjam) the affairs (or umoor) of the tawliat. he shall be at liberty to constitute as mutwali and as his (kaim mookam or) representative whatever person he shall deem to be (or pindarad) most fit (or aliqd (an most just (or ahug).”

4. Now it is quite clear from the above extract of the tawliat-nama that the superintendence or trusteeship of the waqf estate was created by way of general trust (or tufwiz-i-am), and this latter expression has a especial meaning in Muhammadan Law, and that meaning is this:—That the mutwali to whom such a power has been given has full power to appoint his successor either in sickness or in health. As regards the power of the mutwali to appoint his successors in sickness there is no doubt in the Muhammadan Law that he is so entitled. But the question whether he has such a power is one in which there might be a doubt if the appointment of the mutwali himself was without the use of the expression giving the trust by way of tufwiz-i-am or general trust. In the Doorul-Mukhtear, page 421, it is laid down that the use of the words “tufwiz-i-am” gives to the Mutwali full power to appoint his successor. The Futavai Alamgiri also lays down the same principle, and the meaning of tufwiz-i-am in the sense just indicated by me is also borne out by the translation by Mr. Bailie of an extract from the Futavai Alamgiri to be found in Bailie’s Muhammadan Law, page 604, where he says: “A superintendent may, at death, commit his office to another. . . . A Superintendent while alive and in good health cannot lawfully appoint another to act for him unless the appointment of himself were in the nature of the general trust” (tufwiz-i-am).

5. The aforesaid work, namely, Bailie’s Muhammadan Law, is no doubt a summary or abstract translation from the Futavai Alamgiri according to which cases were decided in the time of the Muhammadan Emperors, and the Shiah authorities also do not lay down a different rule of construction upon the words “tufwiz-i-am” or general trust. It would be a legitimate conclusion from the use of the technical expression “tufwiz-i-am,” which is to be found in the Futavai Alamgiri, that that authority was before the settlor or those who drew the deed for him.

A-1.

BAILIE’S IMAMIA LAW, PAGE 214.

It is lawful for an appropriator to retain the superintendence of the waqf to himself or to appoint another to the office. If he has not appointed any Superintendent, the office belongs to the person on whom the settlement has been made because the right of property is vested in him.

A-2.

SHARAYU-OOI-ISLAM PRINTED AT HUIWEE, TRANSLATED BY THE
UNDERSIGNED.

Book on Waqf, page 199.

And it is permissible that the waqif should render the superintendence for himself (knafs) and for somebody else, so that if the superintendent is not specified, then the superintendence is for the (maukoof aleih or) person for whose benefit the waqf is made, proceeding on the view in favour of the (milk or) ownership of the same.

Page 201.—A waqif resolves itself (or intikal) into the (milk or) ownership of the (maukoof aleih or) person for whose benefit the waqf is made, inasmuch as the (faida or) purpose of (milk or) ownership is present in the same; and the prohibition of scale is not inconsistent with this view as in the case of (the oom-i-walud or) a slave girl who has become a mother from the master (who can enjoy her but not sell her).

A-4.

TRANSLATION BY THE UNDERSIGNED JAMAIOOL-MAKASID. EDITION OF
ERAM BOOK OF WAQF.

It is obligatory that all conditions should be given effect to which are not antagonistic to the (moqtaza or) object of the waqf; because the words of God are general to the effect "Give effect to contract."

And it is permissible (or jaiz) that there might be a condition that the nuzar (or office of mutwali) be for the (the) self (or nufs of the waqif) and (i.e. or) for the maukoof aleih (viz., person for whose benefit the waqf is made) and (viz., or for a stranger). And there is no doubt that all conditions not antagonistic to the (mooktaza or) object of the waqf might be made conditions in the (akd or) contract, and it is obligatory to give effect to the same in this case (i.e., in the case of a waqf) and it is quite clear that to stipulate for nazur (or mutwaliship) is not antagonistic to the object of the wakf. On the other hand, it is often a most important detail of the waqf. And the kitah or kuran and sunnut or tradition being expressed in (am or) general terms render it obligatory that action should be had in pursuance of the (shurt or) condition (recorded in the deed). No doubt if a condition is absent from the (maton or) text of the akd or contract, then that condition is not worth being taken into account.

A-6.

MUBSOOT PRINTED AT BOMBAY, TRANSLATION BY THE UNDERSIGNED.

Book on Waqf.

Where a person makes waqf for a (koum or) class of people and renders the (nuzur or) superintendence to himself, then the superintendence shall be to him; and if he renders there superintendence to

somebody else, then the superintendence shall be for him to whom the superintendence is so rendered: But if he has left the question of superintendence open (mootlak), then there are two views based on the two views on which the principle of the waqf itself turns. The two views on which the principle of waqf itself turns relate to the effect and observation in law of the waqf; as regards the property, one view is that a waqf has the effect of transferring the milk or ownership to God. The other view is that it has the effect of transferring the milk to the (moukoof aleih or) person benefited by the same. In the former view the superintendence in the case in question is for the hakim concerned in the waqf. In the latter view the superintendence is for the (moukoof aleih or) persons benefited by the waqf.

A-8.

FAWAIDUL AKHAM PRINTED IN PERSIAN, TRANSLATED BY THE
UNDERSIGNED.

Book on Waqf.

It is obligatory to follow all the conditions not inconsistent with the (mooktaza or) object of the contract. It is permissible to have a condition that the superintendence be for the waqf-maker (mufshee), and that is for the moukoof aleih or person for whose benefit the waqf is made, but if nothing definite is stated, then the superintendence is for the moukoof-aleih or person for whose benefit the waqf is made and on the basis of the view that waqf amounts to a transfer from the moukoof aleih or persons for whose benefit the waqf is made.

A-10.

SHARUH-I-LOOMA PRINTED IN PERSIAN, TRANSLATED BY THE UNDERSIGNED.

Book on Waqf.

And it is permissible to render the superintendence over the property made waqf for himself, i.e., for the waqif and also for somebody else indicated in the muton or deed by Seegha or words.

2. But if the deed is mootlak or general and does not name any body in the conditions of the waqf, then in the case of a waqf-i-am or general waqf the superintendence is for the hakim-i-Sharraya or Sharyee ruler, but in the case of a different kind of waqf, that is, in the case of waqf for mooyiyun or fixed purpose, the superintendence is for the moukoof aleih or persons for whose benefit the waqf is made, and the waqif himself in the case of (itlak or) generality where the deed is general and does not name any body, etc., as aforesaid, is like the (ajnabee or) stranger, i.e., he will not be fit to get the superintendence.

3. And it is a condition that the person named in the conditions as a superintendent that he be adil (or just as interpreted in deed) and (Ihtuda or) with capacity to do acts (e.g., he be not a slave, etc.)

4. And if the superintendent comes to be affected by (fisk) vice, he shall be dismissed (mazool); but if he improves, he shall be restored to office if he is named in a condition by the waqif.

5. And if the superintendence is for one of the two which is mentioned generally, then neither of the two can be fixed for (tusaroof) work, etc.

6. It is quite clear from the aforesaid, Shia authorities that the conditions laid down by the endower in the deed of endowment must be absolutely followed. Therefore in the present case two mutwalis having been appointed and the appointment of each of them being of the nature of general trust of tufwiz-i-am, there ought to be for all time to come two mutwalis each entitled to name his successor according to the clause relating to tufwiz-i-am or general trust.

7. It is important to bear in mind the words of section 6 of Act XX of 1863, which provides that the rights of every trustee to whom the land of any religious establishment is transferred under section 4 as well as the conditions of their appointment, election and removal shall be the same as if this Act had not been passed, etc., etc.

8. From the authorities cited above it is quite clear that in all respects expressly provided for in the deed of endowment whether in the matter of nomination and appointment of a mutwali or in the matter of administering the waqf estate and making the disbursement of the profits of the waqf estate the directions of the endowment are to be strictly followed, so that there is no authority for construing the legislation in such a way that the endowment of a particular nature should be made to assume the shape and form of one wholly different from that intended by the endower.

9. There are two cases in the Sadar Dewany Adawlat in which the question of general trust arose in connection with the appointment of a mutwali, and after a large number of authorities had been consulted, the same meaning which I have assigned was given, section 1, S. D. Report, page 19, Md. Sadiq *versus* Md. Ali and others decided on the 6th of December 1798. See also volume 1, Sudder Decision, page 640, Agha Md. Mushadee *versus* Abdul Hassan Khan decided on 22nd April 1857.

MAHOMED YUSOOF,
Vakil.

The 25th November 1909.

MAHMOODUL HUQ,
Barrister-at-Law.

I Agree.

S. A. A. ASGHUR,
Barrister-at-Law.

The 25th November 1909.

APPENDIX B.

EXTRACT FROM LETTER No. 329, DATED FORT WILLIAM, THE 17TH DECEMBER 1858, FROM THE SECRETARY TO THE BOARD OF REVENUE, L. P. TO THE COMMISSIONER OF REVENUE FOR THE DIVISION OF BURDWAN.

During his incumbency he has a certain share of the profits to his own use and enjoyment, and when he finds himself incompetent to discharge the functions of the office which it does not appear the present applicant is, he is to appoint a successor. Had it been the intention of the founder of the endowment that an incapacitated mutwali should receive a pension, it is difficult to explain the circumstance that no mention is made of the intention in this place.

APPENDIX C.

EXTRACT FROM GOVERNMENT LETTER No. 219 OF THE 26TH JANUARY 1876, TO THE SECRETARY TO THE REVENUE BOARD.

2. In reply, I am to state that the Member in charge has correctly understood the intentions of Government. The orders appointing the committee of management were purposely so worded as to show that it was not meant to transfer to the Committee the charge of the Syedpur estate, but only to make over to them that portion of the proceeds of the endowment which is appropriated to religious uses.

3. With regard to the kharij towliat estates, I am to remark that in the orders of 1838, it was not absolutely declared that the Mutwali of the Imambara should be an independent malguzar, but only that the then Mutwali should, so far as the control of the local agents was concerned, be as an independent malguzar. The Lieutenant-Governor agrees with the Member in charge in thinking that these orders would not necessarily extend to the present Mutwali, but that under the circumstances of the case it is needless to press the question of the title which Government might possibly be able to establish in these lands.

APPENDIX D.

SECTION 7 OF ACT XX OF 1863.

In all cases described in section 3 of this Act, the Local Government shall once for all appoint one or more committees in every division or district to take the place and to exercise the powers of the Board of Revenue and the local agents under the Regulations hereby repealed.

Such committee shall consist of three or more persons and shall perform all the duties imposed on such Board and local agents, except in respect of any property which is specially provided for under section XXI of this Act.

APPENDIX E.

EXTRACT FROM GOVERNMENT LETTER NO. 189, DATED THE
25TH APRIL 1902, TO THE COMMISSIONER OF BURDWAN.

With regard to the question whether the Mutwali is to pay rent for the quarters occupied by his family, I am to observe that when Sir John Woodburn recently visited the Imambara he was satisfied that it is desirable that the Mutwali should live in close proximity to the Imambara, so as to obviate the necessity of his being frequently absent from the institution. Under these circumstances and having regard also to the fact that the late Mutwali who nominated the present Mutwali as his successor dedicated to the Imambara the house adjacent to it now occupied by the present Mutwali's family, the Lieutenant-Governor considers it inexpedient to require the Mutwali to pay any rent for the houses which he occupies. Accordingly no provision has been made in the rules referred to in paragraph 2 above for taking any rent from the Mutwali.

APPENDIX F.

SECTION 3 OF ACT XX OF 1863.

In the case of every mosque, temple or other religious establishment to which the provision of either of the Regulations specified in the preamble to this Act are applicable, and the nomination of the trustee, manager, or superintendent whereof, at the time of the passing of the Act, is vested in, or in which the nomination of such trustee, manager, or superintendent shall be subject to the confirmation of the Government or any public officer, the Local Government shall, as soon as possible after the passing of this Act, make special provision as hereinafter provided.

OPINION OF MR. S. C. MITTER, VAKIL, HIGH COURT, CALCUTTA,
DATED THE 23RD NOVEMBER 1909.

I fully agree with the opinion given by Mr. A. Choudhury, Maulvi Mahomed Yusuff, Khan Bahadur, Maulvi Mahomed Ishfak and Messrs. A. Ashgar and Mahmudul Huq.

The history of the creation of the Syedpur Trust Estate and the foundation of the Imambara at Hooghly does not require repetition. The course of succession to the Mutwaliship, is also undisputed. The only matter that requires to be especially pointed out is that Saiyid Keramat Ali, who was Mutwali for a long series of years, appointed his successor Saiyid Ashraf-ud-din Ahmad, and the appointment was confirmed by the Local Government. It is not correct that the Government or the Board of Revenue appointed Saiyid Ashraf-ud-din Ahmad.

The other matter which I wish to point out is that the translation of the will of Mahomed Mohsin as given in the Select Reports of the Sudder Dewani Adawlat is, I am informed, not accurate. With reference to succession to the office of Mutwali, or more accurately

Mutwalis, after the first two, the will says:—"In the event of a Mutwali finding himself unable to conduct the business of the endowment, he should appoint any one whom he may think most fit and right as Mutwali and successor on his behalf." If the above is a correct translation of the Persian will of Mahomed Mohsin, I have no doubt that Saiyid Ashraf-ud-din Ahmad has the fullest right to follow the example of his predecessor Saiyid Keramat Ali and appoint his own successor. The clause in the will is not restricted to the Mutwalis appointed by the testator, but it extends to their successors also.

The appointment of his own successor by a Mutwali is also warranted by the Mussalman Law, and it seems to me that the testator had in his view such law in laying down the rule as to appointment of successive Mutwalis. 2 Alamgiri page 409 (Egyptian Edition) lays down, "when a Mutwali dies and the waqif is alive, the decision for appointing the next Mutwali lies with the waqif, and not the quazi (judge), and if the waqif is dead, his executor is better entitled than the quazi, and if the waqif has not appointed an executor, the decision in this respect is with the quazi."

The Durrul Mukhtear (page 442, Bombay Edition) lays down the same rule. "The power of appointing a Mutwali is vested in the waqif, then in his executor, then if he dies and has appointed no executor, the power of appointment becomes vested in the quazi."

In the case of the Mohsin waqif the testator's entire estate was vested in the Mutwalis appointed by him, and they were in fact and in law his executors, although they were called Mutwalis. The *vis-major* of the Local Government, in the exercise of its executive function and not as quazi as contemplated by the Musalman Law, removed the Mutwalis and appointed for some years successive Mutwalis until Saiyid Keramat Ali was appointed. The Local Government took upon itself to manage the estate as if it was an executor, and if it be held that the functions of the executor has vested in the Government, the Government has the power of appointment. But under the will the power of appointment lies with the Mutwali, or Mutwalis, and there is no reason why Saiyid Ashraf-ud-din Ahmad should not appoint his successor as he has done.

It is also laid down in 2 Alamgiri, page 409—"And it is competent for a Mutwali to appoint his successor on the point of his death, as an executor can appoint an executor." The Durrul Mukhtear also says—"If a Mutwali wishes to appoint his successor in his life time and in health, and if the appointment is for a year, it is valid." "And if he appoints one in his health, it is invalid, and if on his death-bed, it is valid" (1 Durrul Mukhtear, page 443). It is thus clear that Saiyid Ashraf-ud-din Ahmad, being in bad health and being of opinion that he cannot properly discharge his duties, was competent to appoint his successor under the Mussulman Law.

It appears to me that a mistake was committed in the early days of the judicial administration of the country in the Government taking upon itself the administration of the Mohsin Estate which was wholly appropriated to religious and charitable purposes without any reference to the quazi or judge. The duty of removing Mutwalis in cases of waste and appointing successors rests with the quazi or judge, and not the executive Government, and it appears to me that sufficient

attention was not paid to the Mussulman Law in framing the Public Endowment Regulation.

According to Act XX of 1863 and section 539 of the Civil Procedure Code of 1882, and section 92 of Act V of 1908, the power is now vested in the judge.

I may also notice that the Board of management for the Imambara constituted under Act XX of 1863 has not been vested with the power of appointing a Mutwali. It is merely an advisory body according to its constitution. The board cannot question an appointment made by a Mutwali. I am therefore of opinion that the appointment of Saiyid Ali Nawab by Saiyid Ashraf-ud-din Ahmad is valid.

No. 3855, dated Calcutta, the 9th December 1909.

From—F. W. DUKE, Esq., I.C.S., Chief Secretary to the
Government of Bengal, Revenue Department.

To—The Secretary to the Board of Revenue, L. P., Land
Revenue Department,

I am directed to acknowledge the receipt of your letter No. 658W.—T., dated the 21st October 1909, in which the Board propose, in connection with the administration of the Mohsin Endowment Fund, that the initial working balance of the fund should be raised from Rs. 4,000 to Rs. 10,000 and that any surplus over this balance should be distributed rateably among the several parties concerned at the end of each year in the absence of any reason to the contrary. It is explained that if the initial working balance is raised to Rs. 10,000 it will ordinarily be practicable to make the division of the surplus profits each year. The Board are reluctant to bind themselves to a hard-and-fast rule making the annual distribution a matter of right to the sharers; and they recommend that the Accountant-General should each year, after making provision for an initial balance of Rs. 10,000 apply for the sanction of the Board to the distribution of the surplus. The Board, after consulting the local officers, would grant their sanction in the absence of any reason to the contrary.

2. In reply, I am to say that the Lieutenant-Governor sanctions the above proposals. It is understood that the Board will, in bringing in the change, select the end of a year when there is a substantial amount of money in hand, so as to minimize the hardship to be entailed on the beneficiaries as much as possible.

3. The Accountant-General Bengal will be informed.

No. 4048, dated Calcutta, the 20th December 1909.

From—B. A. COLLINS, Esq., I.C.S., Under-Secretary to the Government of Bengal, Revenue Department.

To—NAWABZADA SAIYID ASHRAFUDDIN AHMAD KHAN BAHADUR,
late Mutwalli, Hooghly Imambara.

With reference to your letter, dated the 26th November 1909, to the address of the Commissioner of the Burdwan Division, submitting the legal opinions obtained by you in connection with the appointment of Saiyid Ali Nawab as your successor, I am directed to inform you that, in the absence of a copy of the case on which you obtained the legal opinions it is impossible to estimate the value of these opinions. I am, therefore, to request that you will be so good as to submit a copy of it immediately to this Government direct.

Dated Hooghly, the 22nd December 1909.

From—NAWABZADA SAIYID ASHRAFUDDIN AHMAD, KHAN BAHADUR
of Hooghly,

To—The Under-Secretary to the Government of Bengal,
Revenue Department.

I have the honour to acknowledge receipt of your letter No. 4048, dated the 20th instant, and in reply I beg to enclose a copy of the case which was submitted to the lawyers by Mr. Bhupendra Nath Basu for opinion; in addition to the statements made in the case, some other facts came to light in the conferences of my lawyers which are fully set out in the opinion itself. I may be permitted to state for the information of His Honour, that I did not take the opinion of the learned Advocate-General or the Standing Counsel as the date for the submission of the opinions of my lawyers having been fixed for the 25th November last, I had no time to consult either of the eminent lawyers above referred to, and even if I had the time, I was advised that it would be desirable not to hamper the Government by taking the opinion of counsel whom the Government might ultimately consult.

A question has been raised as regards the appointment of the present Mutwalli of the Hooghly Imambara, Saiyid Ali Nawab. This gentleman is the only son of Nawabzada Saiyid Ashrafuddin Ahmad, who was Mutwalli of the Imambara from 1875 to November 1908. Saiyid Ali Nawab was nominated as a Trustee by his father, the outgoing Mutwalli, and his nomination was confirmed by the Local Government.

In a letter from the Chief Secretary to the Government of Bengal addressed to the Secretary, Board of Revenue, dated the 20th November 1908, the Government states as follows:—

“His Honour is also pleased to appoint Saiyid Ali Nawab, son of the retiring Mutwalli, to be the Mutwalli of the Hooghly Imambara on a salary, etc.”

It is now contended that the appointment of Saiyid Ali Nawab was infructuous as the right to appoint a successor to the Mutwalli was vested in the Committee of the Hooghly Imambara constituted under Act XX of 1863, and not in Government.

The question arose in this way: a number of Shia gentlemen submitted a memorial to Government protesting against the appointment on various grounds and impugning the validity of the appointment. Government submitted to certain lawyers the case for opinion and their opinion on the case as submitted is that the appointment of the Mutwalli must be made by the Committee, and not by Government.

In order to correctly apprehend the facts in this connection a brief statement as to how the trusts for the Imambara came to be

created and the mode of devolution of the trusts would be necessary. One Munnojan Khanum, of Hooghly, held the Inambara and was possessed of extensive properties. Haji Mohammad Mohsin was her heir: on the 9th of Baisak 1213 B. S. (20th April 1806) the Haji executed a deed, described as a deed of appropriation by the Sudder Dewany Adawlut (*vide* 6, S. D. Reports) by which he gave and appropriated certain properties for the expenditure in the said deed mentioned. The trustees were appointed as follows:—"I have hereby appointed Rajab Ali Khan and Shakir Ali Khan, who have been tried and approved by me as possessing understanding, knowledge, religion and probity, Mutwallis (or trustees) of the said waqf or appropriation, which I have intrusted to the above two individuals, that aiding and assisting each other they may consult, advise and agree together in all matters connected with the joint management of the business of the said appropriation." As regards the appointment of future Mutwallis, the deed provides as follows:—"I have committed the Mutwalliships to the charge of the two abovenamed individuals as an Aum Touleut. In the event of a Mutwalli finding himself unable to conduct the business of the endowment, he may appoint any one whom he may think most fit and most deserving as Mutwalli to act in his stead." The waqif or the creator of the appropriation, lived for some years after the appropriation, but the properties remained in the hands of the Mutwallis, who managed the same and performed the trusts. Shakir Ali, one of the trustees, died in Baisak 1220, appointing his son Baquir Ali as his successor in the Mutwalliship, and Wasiq Ali, son of Rajab Ali, also alleged that his father had appointed him to the other Mutwalliship in Magh 1220. Rajab Ali and Baquir Ali were mis-managing* the trust property and misappropriating the proceeds, with the result that Government stepped in purporting to act under Regulation XIX of 1810; the Board of Revenue held an enquiry, removed the trustees and appointed Ali Akbar Khan as Mutwalli. This was about the year 1815 or 1816.

This action on the part of Government led to some litigation. Wasik Ali, son of Rajab Ali, brought a suit against Government to be restored to the Mutwalliship as the appointee of his father Rajab Ali. This appointment was not believed in, and Rajab Ali's suit was ultimately dismissed.

It appears that the Government nominee Saiyid Ali Akbar Khan was removed by Government for misapplication of trust funds in the year 1836. The Government appointed, as his successor, Saiyid Keramat Ali, who assumed charge of office in 1837, one Zainuddin Hussain Khan acting between the period when Ali Akbar was dismissed and Keramat Ali took over charge. In 1858 Saiyid Keramat Ali applied for a pension on which the Board of Revenue passed an order from which the following quotation is pertinent:—"When he," meaning Saiyid Keramat Ali, "finds himself incompetent to discharge the functions of the office which, it does not appear the present applicant is, he is to appoint a successor."

Saiyid Keramat Ali nominated Saiyid Ashraf-ud-din Ahmad as his successor, and the Government accepted the nomination, and Ashraf-ud-din Ahmad was appointed Mutwalli in 1875.

In 1908 Saiyid Ashraf-ud-din Ahmad nominated his son as his successor in the office of the Mutwalli and the nomination was confirmed by the Government of Bengal in November 1908.

The Government has since, on the representation of certain members of the Shia community, taken advice, and in a communication to the Commissioner of the Burdwan Division, dated the 24th August 1909, copy whereof has been forwarded to the former Mutwalli, the Government position is stated as follows:—"That opinion of Counsel has been taken on the questions raised by the memorialists. Mr. B. Chakravarti, Dr. Rash Behary Ghosh, and Maulvi Siraj-ul-Islam, who were consulted are unanimously of opinion that the right to appoint to vacancy in the office of Mutwalli is vested in the Committee and not in Government; that the appointment of Saiyid Ali Nawab was void *ab initio* then in the eye of law. Nawabzada Saiyid Ashraf-ud-din Ahmad is still Mutwalli, and that the grant of pension to the latter was *ultra vires*."

Let us examine the position and status of the Mutwalli of the Hooghly Imambara. Regulation XIX of 1810, is the first enactment dealing with the question of the maintenance of mosques, temples, etc. The preamble to the Regulation recites—"And whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor." Section II of the regulation vests the general superintendence in the Board of Revenue and Board of Commissioners.

Section VIII provides for the appointment of local agents of the Board and section IX provides that the Collector of the district shall be *ex-officio* local agent. Section XI enacts that the agents are to ascertain the names of the present trustees, manager, etc.

Section XII lays down the method of selection and appointment of successor.

The local agents are to report to the superior Boards all vacancies and casualties to enable the Boards to judge of the pretensions of the claimants and especially the agents are to report whether the succession has been by descent, by election or by nomination by the founder or his heir or representative, or by any other individual patron of the foundation, or by any officer or representative of Government, or by Government itself.

Section XIII provides that in those cases in which the nomination has usually rested with the present or future Government or with a public officer, or of right appertains to Government, in consequence of no private person being competent and entitled to make sufficient provision, it will be the further duty of the local agents to propose for the approval and confirmation of the superior Board a fit and proper person for the charge of the trustee or manager, or superintendent.

Section XIV lays down that on receipt of the report or information the Board of Revenue or Board of Commissioners will either appoint the person or persons nominated for their approval, or will make such provision as they think fit.

It should be borne in mind that this Regulation was passed in 1810, and the Mohsin Endowment was created by deed in 1806.

Section XIII of the Regulation leaves no doubt as to when the local agents are to nominate a trustee. Let us see if the Imambara mutwalliship falls under any of the category provided in the section. The only occasion when Government directly appointed was after the death of Rajab Ali, his co-trustee Shakir Ali had appointed his own son, Baquir Ali and this appointment was recognised by Government. Then Rajab Ali and Baquir Ali were removed for misconduct. Wasik Ali, son of Rajab Ali, produced a testamentary deed of nomination which was found to be a forgery. Akbar Ali Khan was appointed by Government in 1818 and removed in 1836 for misconduct. His successor, Keramat Ali was appointed by Government. Keramat Ali nominated his successor, Ashraf-ud-din Ahmad in 1875, and the appointment was confirmed by Government. Ashrafuddin again nominated his son in 1908, and this nomination was also confirmed by Government.

A question arose in 1902 as to whether the then Mutwalli Ashraf-uddin Ahmad should pay rent for the quarters occupied by him. The Government of Bengal addressed a communication to the Commissioner of the Burdwan Division, No. 189-T.R., Revenue Department, and dated 25th April 1902, in which the following occurs:—"Under the circumstances, and having regard also to the fact that the late mutwalli who nominated the present mutwalli as his successor dedicated to the Imambara the house adjacent to it * * * * * the Lieutenant Governor considers it inexpedient to require the mutwalli to pay any rent."

There are, moreover, documents in the Commissioner's office, Burdwan (letters from Keramat Ali to the Collector) to establish the fact that Ashraf-ud-din Ahmad was nominated by the retiring Mutwalli in 1875. Now we come to the consideration of Act XX of 1863.

Section VII lays down that local committees are to take the place and to exercise the powers of the Board of Revenue and the local agents under the Regulations repealed by the Act.

We have shown that the nomination or appointment of the Mutwalli to the Imambara did not lie, under the Regulation with the Board or the Committee, and this view has all along been held by Government. But in the case of the Hooghly Imambara a right on the part of the Committee to supersede Government in the confirmation of the mutwali nomination was never asserted or recognized, though the first and second committees were appointed in 1871 and again in 1875 by Government.

Under Act XX of 1863, a notification was published by the Government of Bengal, dated the 29th July 1871, in the issue of the *Calcutta Gazette* of the 2nd August 1871, page 1846, appointing a Committee for Hooghly. In 1875, when Ashraf-ud-din Ahmad was appointed, this Committee did not confirm the nominee that Government made as the quazi.

In 1900, when rules were being framed by the Committee, it was the Government which approved the rules after consulting the Mutwalli. The Commissioner of the Burdwan Division submitted a statement to the Government of Bengal. No. 47R. G., dated the 30th

September 1900, in paragraph 10 of which occurs the following passage :—

“In the case, however, of the Hooghly Imambara a right on the part of the Committee to supersede Government in the confirmation of the Mutwalli nomination has never been asserted, much less exercised; it has always been the practice of the Mutwalli to nominate his successor subject to Government confirmation, and I do not suppose any deviation from previous practice would be allowed. The deed of the founder may be taken to support the practice whatever interpretation may be put upon the law. Under the deed there were to be two Mutwallis, each of whom was to appoint his successor. Government at a very early period ejected both, and assumed the position of Mutwalli itself. The Mutwalli in charge has always since been merely a deputy of Government. The case does not, therefore, seem one in which any function under section 14 of the regulation has descended to the Committee. There is a permanent Superintendent in the shape of Government, and as to its deputy, the Committee has no concern.”

The present Mutwalli, Ali Nawab, was nominated by Ashraf-ud-din Ahmad, who submitted his nomination to the Government of Sir Andrew Fraser, and such nomination was confirmed by Government.

We are briefing herewith the case that was submitted by Government for counsel's opinion. The case omits to state that the previous Mutwalli was nominated in 1875, or that the present Mutwalli, Ali Nawab, was also nominated. The whole foundation rests upon the deed executed by Hajee Mohammad Mohsin, and it is submitted that the executive Government, much less a Committee, cannot act in contravention of its provisions. Counsel will please advise :—

- (1) As to whether the appointment of Ali Nawab as the present Mutwalli has been invalidated by the fact of the appointment not having been made or confirmed by the Committee;
- (2) What are the rights of the Mutwalli for the time being as regards the nomination of his successor and what is the position of such nominee; and
- (3) Generally.

Copy of case submitted to counsel for opinion.

(Sd.) B. N. BASU,

The 22nd December 1909.

No. 330, dated Calcutta, the 27th January 1910.

From—F. W. DUKE, Esq., I.C.S., Chief Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Government of India, Home Department.

I am now directed to reply to Mr. Monie's letter No. 1431, dated the 7th October 1909, requesting that any representation which Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, may desire to make in connection with the appointment of his son to be his successor, may be submitted at an early date.

2. As desired by the Government of India, in Home Department letter No. 1106, dated the 9th August 1909, Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, was asked to submit any representation that he might wish to make. Subsequently, at his request, he was furnished with a copy of the joint opinion of Mr. B. Chakravarti, Dr. Rash Behari Ghose and Khan Bahadur Maulvi Serajul Islam, a copy of which was submitted to the Government of India with this Government's letter No. 2314 L.R., dated the 20th July 1909. He was also furnished with a copy of the case on which that opinion was based. As reported in this Government's letter No. 2564 T.—R., dated the 14th October 1909, he was allowed time up to the 26th November 1909, for the submission of the representation which has since been received and considered by the Superintendent and Remembrancer of Legal Affairs, Bengal. I am now to submit, for the consideration and orders of the Government of India, copies of the papers* noted in the appended list which include the representation and all connected papers.

3. It will be seen that the Legal Remembrancer considers that the opinions submitted by the late mutwalli proceed upon misstatements or misconceptions of facts, and that there is nothing in them to disturb the opinion which was obtained by the Government. He agrees with the opinion given by Mr. B. Chakrabati, Dr. Rash Behari Ghose and Khan Bahadur Moulvi Seraj-ul-Islam, that the power of appointing a mutwali of the Hooghly Imambara is vested in the Committee of Management, which was constituted under section 7 of Act XX of 1863, for the supervision of the affairs of this institution, but he points out that as Saiyid Ali Nawab is in possession as mutwali, it may not be possible to avoid litigation. *

4. The papers now submitted confirm the conclusion arrived at by the Lieutenant-Governor, which was stated in this Government's letter of the 20th July 1909, referred to above. His Honour, however considers that, as advised by the Legal Remembrancer, the action of Government should be confined to the cancellation of the orders embodied in the letter of this Government, No. 4464, dated the 20th November 1908, sanctioning the grant of a pension to Saiyid Ashraf-uddin Ahmad and appointing his son, Saiyid Ali Nawab to be mutwalli.

See foregoing correspondence.

The list of enclosures :—

1. This Government's letter No. 4464, dated the 20th November 1908, to the Secretary to the Board of Revenue, Land Revenue Department.

2. Case submitted to Mr. B. Chakrabarti, Dr. Rash Behari Ghosh and Khan Bahadur Moulvi Seraj-ul-Islam.

3. This Government's letter No. 2861, dated the 24th August 1909, to the Commissioner of the Burdwan Division.

4. Letter No. 261 C., dated the 29th November 1909, from the Commissioner of the Burdwan Division, and enclosures.

5. Letter, dated the 22nd December 1909, from Nawabzada Saiyid Ashrafuddin Ahmad, Khan Bahadur, and enclosure.

6. Note, dated the 30th December 1909, by the Superintendent and Remembrancer of the Legal Affairs, Bengal, together with copies of references mentioned therein.

Note, dated the 30th December 1909, by the Superintendent and Remembrancer of Legal Affairs, Bengal.

The legal opinions, which have been submitted by Saiyid Ashrafuddin Ahmed, appear to be based, to a large degree, on two misstatements or misconception of fact.

1. The correspondence of 1874-75, relating to the appointment of a committee under section 7 of Act XX of 1863, appears to show that the committee of 1871 was not validly constituted, the notification of the 29th July of that year being void and of no effect. This was the view taken at the time, and I see no reason to dissent from it. (See Mr. Geoghegan's letter of 8th April 1875, and the Government order of 20th April 1875). It follows that the committee appointed by the notification of the 20th July 1875, must be regarded as the first Committee appointed under the Act of 1863, and that it is a mistake to suppose that there was any committee in existence at the date of Saiyid Ashrafuddin Ahmad's appointment as Mutwali (25th June 1875).

The correspondence of 1875, relating to the appointment of Saiyid Ashrafuddin Ahmad as mutwalli appears to show that he was appointed by the Government in the exercise of the right and power of appointment. The Government no doubt took into account the wishes of his predecessor, Saiyid Keramat Ali, but it is a mistake to suppose that Saiyid Ashrafuddin Ahmad was nominated* by Saiyid Keramat Ali, and that the Government merely confirmed the appointment.

*The use of the word "nominated" in paragraph 3 of the Government order of 25th April 1902 was due to paragraph 10 of Mr. Faulder's letter of 30th September 1900, which in my opinion, is based on a loose and inaccurate view of the facts.

T. W. RICHARDSON.

I agree generally with the opinion obtained by Mr. Chapman for the Government, and think that in the events which happened, the

endowment was 'one which at the time of the passing of Act XX of 1863, came within the purview of section 3 of that Act within the results stated by Messrs. B. Chakrabatti, Rash Behary Ghosh, and Siraj-ul-Islam in the opinion referred to.

It may be further observed that the legal opinion submitted by Saiyid Ashrafuddin Ahmad takes no account of the provisions of section 22 of the Act of 1863 from which it seems clear that upon the formation of the Committee of 1875, the Government had no power in any way to concern itself with the nomination or appointment of a mutwali. In 1908, therefore the Government had no power to appointment or to confirm the appointment or nomination of a mutwalli.

I am disposed to agree with Messrs. B. Chakrabatti, Rash Behary Ghosh and Serajul Islam that the power of appointing a mutwali is now vested in the committee. Nor do I think that Saiyid Ashrafuddin Ahmad and his son will be well advised if they compel a resort to the courts, as in my opinion, it may be reasonably anticipated that the result will not be in their favour. As, however, I understand that Saiyid Ali Nawab is in possession as mutwali, it may be impossible to avoid litigation. In the circumstances it is for consideration whether the Government should do more than cancel the orders of 20th November 1908, on the ground that it is advised that they were beyond its powers under the law.

No. 322, dated Calcutta, the 2nd March 1910.

From—H. C. WOODMAN, Esq., Additional Deputy Secretary to
the Government of India, Home Department,

To—The Chief Secretary to the Government of Bengal, Revenue
Department.

I am directed to refer to the correspondence ending with your letter No. 330, dated the 27th January 1910, regarding the appointment of Saiyid Ali Nawab to be Mutwalli of the Hooghly Imambara in succession to Nawabzada Saiyid Ashrafuddin Ahmad, Khan Bahadur.

2. The Government of India have carefully considered the question and they accept the Lieutenant-Governor's conclusion that the orders contained in Mr. Duke's letter No. 4464, dated the 20th November 1908, sanctioning the grant of a pension to Saiyid Ashrafuddin Ahmad and appointing his son Saiyid Ali Nawab to be mutwalli should be cancelled.

3. I am to request that, with His Honour's permission, the President of the Hooghly Imambara Defence Association may be informed of the order passed in this case.

No. 1061, dated the 11th March 1910.

From—H. T. Cullis, Esq.,^{*} I.C.S., Under-Secretary to the
Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, Land Revenue
Department.

I am directed to refer to Government order No. 4464 dated the 20th November 1908, sanctioning the grant of a pension to Nawabzada Saiyid Asharaf-ud-din Ahmad, Khan Bahadur, Mutwalli of the Hooghly Imambara, and appointing his son Saiyid Ali Nawab to be his successor.

2. Exception to these orders was taken by various Mahomedan individuals and associations and the legal power of this Government to make the appointment and to grant the pension was challenged. This led to a careful consideration of the case and the Lieutenant-Governor is now satisfied that the Government of Bengal was not legally competent to pass the orders in question, and he directs that they be hereby cancelled.

3. The Commissioner of the Burdwan Division, the Collector of Hooghly, the late Mutwalli, and the Accountant-General, Bengal, have been informed.

No. 1062.

Copy forwarded to the Accountant-General, Bengal, for information, in continuation of Government order No. 4464¹/₂, dated the 20th November 1908.

No. 1063-65.

*Copy forwarded to (1) the Commissioner of the Burdwan Division, (2) the Collector of Hooghly and (3) Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, for information.

No. 1066.

Copy forwarded to Shams-ul-ulama Shaik Muhammad Gilani, President, Hooghly Imambara Defence Association, for information in continuation of this Government's letter No. 460, dated the 2nd February 1910.

No. 1067.

Copy forwarded to the President of the Committee of Management of the Hooghly Imambara for the information of the Committee.

By order of the Lieutenant-Governor of Bengal.

(Sd.) H. T. CULLIS,
Under-Secretary to the Government of Bengal.

CALCUTTA,

The 11th March 1910.

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THE MOHSIN ENDOWMENT.

STATEMENT OF THE CASE FOR LEGAL OPINION.

IN 1806, Haji Muhammad Mohsin,¹ a wealthy merchant of Hooghly, by a deed of ~~wakf~~ created an endowment of considerable zamindari properties for certain religious and charitable purposes, including the maintenance of the Hooghly Imambara. The properties thus conveyed were :—

¹ Page 225 of Printed Collection of Papers relating to the Hooghly Imambara.

(a) certain zamindari property² hereafter called the Syedpur Estate ;

² Page 755 of ditto.

(b) an Imambara at Hooghly and the bazar appertaining thereto.

The purposes of the trust were to expend the proceeds from the Syedpur Estate :—

(i) three-ninths on religious ceremonies and the upkeep of the Imambara ;

(ii) two-ninths on emolument for the mutwallis ;

(iii) four-ninths in maintaining the clerical establishment and in paying certain pensions.

He appointed³ Rajab Ali Khan and Shaker Ali Khan as joint-mutwallis or trustees, one-ninth of the income being payable to each mutwalli as remuneration. As regards succession to the office of trustee, the deed provided as follows :—

³ Page 226 of ditto.

“And I do completely commit the *towliat* to the aforesaid two persons. In case mutwalli considers himself incapable of discharging the duties of the *towliat*, he will appoint mutwalli and substitute for himself whomsoever he may consider most worthy and most deserving.”

(NOTE.—The above translation is by the Interpreter and Translator, Original Side, High Court, Calcutta. It is submitted that a better translation of the opening words could be “and I have made a general delegation of the *towliat* to these two persons aforementioned.” There is an old translation of the whole document at pages 225-227 of the printed collection of papers relating to the Hooghly Imambara, which may be referred to if necessary).

The effect of this provision of the *wakfnama* has been and is a matter of dispute.

Haji Muhammad Mohsin,⁴ the executant, died in 1813.

⁴ Page 755 of ditto.

Shaker Ali Khan, one of the joint-mutwallis, being seriously ill, appointed Baker Ali Khan, his son, as trustee in his place and died shortly after. Baker Ali and Rajab Ali conducted the management of the trust as joint-mutwallis for some time when they were both dismissed⁵ for mismanagement by the Board of Revenue under powers vested in them by Regulation 19 of 1810. Baker Ali Khan having become insane,⁶ Wasiq Ali, son of Rajab Ali, claiming to be one of the joint-mutwallis under a *towliatnamah*,⁷ alleged to have been executed by his father, Rajab Ali, on the 1st *Magh* 1220 B. S. (13th January 1814), alone instituted a suit against Government in 1825⁸ in the Zilla Court

⁵ Pages 1 (para. 3), 73 (para. 4 and 5), 77 (para. 4), 235, 224, 60 and 755 of ditto.

⁶ Page 225 of ditto.

⁷ Page 227 of ditto.

⁸ Page 223 of ditto.

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es 234-35
ditto.

Page 755 of
ditto.

of Hooghly on the ground that the revenue authorities had acted illegally in deposing¹ him from the trust and in taking possession of the Trust Estate. Apparently Government had not recognized² Wasiq Ali as mutwalli at all.

It is necessary³ that the terms of Regulation 19 of 1810 should be carefully borne in mind. Section II vests the superintendence of all trusts of this character in the Board of Revenue. Section III lays upon the Board the duty of seeing that the funds of such trusts are not diverted. Section VIII empowers the Board to employ local agents in each district to enable the Board to discharge the Board's duty of superintendence. Section XIII among other things provides that "in those cases in which the nomination of a successor to a trustee has usually rested with Government or with a public officer, or of right appertains to Government in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose a fit person" for appointment as trustee or superintendent, and (section XIV) empowers the Board of Revenue in such cases to appoint such person as superintendent of the trust.

⁴ Pages 73 and
756 of ditto.

⁵ Page 79 of
ditto.

⁶ Pages 224 and
755 of ditto.

⁷ Page 229 of
ditto.

⁸ Page 234 of
ditto.

⁹ Page 234 of
ditto.

After the dismissal of Rajab Ali and Baker Ali, a single⁴ individual Syed Akbar Ali Khan was placed by the Board of Revenue in the position of the Superintendent of the Imambara and the religious ceremonies connected therewith, and was subsequently appointed⁵ mutwalli. The Syedpur Estate was from 1818⁶ managed direct by the Collector and is still so managed. The suit instituted by Wasiq Ali in the Zilla Court was dismissed.⁷

Wasiq Ali preferred an appeal to the Provincial Appellate⁸ Court at Calcutta, which confirmed the decision of the Zilla Court referred to above in 1830.⁹

Ultimately the Sadar Dewany Adawlat confirmed the decision of the lower courts. The controlling judgment is that of Mr. Barwell, which was confirmed by the final judgment of Mr. Money. It was held that—

¹⁰ Pages 234-35
and 237-38 of
ditto.

- (i) it was not¹⁰ proved that the appellant had acted as mutwalli;
- (ii) that the Board of Revenue had the right of control over such a trust, and Rajab Ali had no authority to appoint his successor without the sanction and approval of the Board of Revenue or of Government (sections 11, 12, 13 of Regulation 19 of 1810);
- (iii) that though the appellant was nominated by his father, the deed appointing the appellant as mutwalli was never actually enforced;
- (iv) that by virtue of such appointment the appellant had a preferential claim to the office, if Government cared to consider his claims;
- (v) that no corruption was proved against the appellant.

¹¹ Page 208 of
ditto.

In the year¹¹ 1836 the Board of Revenue dismissed the mutwalli, Syed Akbar Ali Khan, whom they had appointed in 1818. After Akbar

THE MOHSIN ENDOWMENT.

OPINION.

We have carefully considered the case and the papers submitted to us as also the various opinions which have been previously expressed. We have taken a considerable amount of time in coming to our conclusions owing to the great difficulty of the subject, involving as it does consideration of voluminous papers and of complicated questions and contentions which have been raised from time to time. We found it necessary to meet in conference on several occasions for purposes of discussion of the subject in all its aspects. We desire to deal with the history of the endowment and the various steps which have been taken in respect of it before we give our answers categorically to the queries submitted to us.

The endowment was created by the donor in 1806 and his wishes are contained in a deed in Persian, the original of which is not before us, and even if it had been we could only deal with it through the medium of a correct translation. The translation which was before the learned Judges of the Sudder Dewany Adawlat is to be found on pages 225-226 of the big printed book* sent to us. We quote the passage pertinent to the questions now to be answered:—

* Printed Collection of Papers relating to the Hooghly Imambara.

"I have committed the mutwalliship to the charge of the two above-named individuals as a common (aum) towleeut. In the event of a mutwalli finding himself unable to conduct the business of the endowment, he may appoint any one whom he may think most fit and most deserving as mutwalli to act in his stead."

In two particulars there is controversy in respect of this translation. One of them is the word "*aum*" which has been translated above as equivalent to "*common*." In some of the opinions this word is quoted as "*am*" equivalent to "*general*." If the translation is correct then the two mutwallis appointed by the deed were to act together and were not appointed general trustees within the meaning of the Muhammadan law. The other particular in the translation is in the next sentence, and relates to the existence in the original of a corresponding equivalent to the relative "*a*" in the expression "*a mutwalli*." We note the criticism of Sheik Mahmud Gillani on the two sentences quoted above. He has given reasons for coming to the conclusion that the donor meant to appoint the two individuals named by him, and made no provision for succession to their offices after their respective deaths, but only provided for the substitution of a competent individual in the event of either of them being unable in his lifetime to discharge his duties. We are diffident in expressing any opinion on the construction of the words of the Persian deed, and we think it is not necessary to do so regard being had to the subsequent history of the endowment. We are, however, inclined to the opinion that the donor left the question of succession to the office on the death of the two persons named to be dealt with under the general Muhammadan law which would enable each of them to appoint

in successor by will, and that the donor in the deed only expressly for substitution in the lifetime of either of the two mutwallis without which provision any such substitution would not have been valid under the Muhammadan law.

It appears that the donor died in 1813, and Shaker Ali Khan, one of the joint mutwallis, being seriously ill, appointed Baker Ali Khan, his son, as trustee in his place, and died shortly after. Baker Ali and Razab Ali acted as joint mutwallis for sometime, but were both dismissed for mismanagement by the Board of Revenue under powers vested in them by Regulation XIX of 1810. That Regulation vested the superintendence of all trusts of a public character, such as the present one, in the Board of Revenue. It appears to us that the Board of Revenue acted under the provisions of section 13 in appointing a single individual, Syed Akbar Ali Khan, as the mutwalli of the endowment, and in placing him in charge of the Imambara and the religious ceremonies connected therewith, but in 1818 they took possession of the Syedpur Estate which is the property yielding most of the income, and that estate has been since 1818 managed and is still being managed by the Collector of Jessore. It seems to us that this assumption of control over the trust estate and of the right of appointment of a single trustee in the place of two trustees contemplated by the deed was referable to the provisions of Regulation XIX of 1810, and if there was a departure from the strict adherence to the terms of the deed of endowment, such departure took place in 1818, and in as much as it has never been impugned the right of appointment was vested in Government by prescription at the time of the passing of the Religious Endowment Act, XX of 1863. We note that this very question was raised in a suit which was instituted in 1825 by one Wasik Ali against the Government, and the Sudder Dewany Adawlat decided amongst other things as follows:—

“Under the terms of the original trust deed the endowment could not have been excluded from the control and superintendence of the Board of Revenue who possesses the right of control over such an establishment as well as over an absolute *towleent*.”

“Under the provisions of sections 11, 12 and 19 of Regulation XIX of 1810, Rajab Ali Khan (who had purported to appoint Wasik Ali as his successor in the office of trustee) had no power to appoint a successor in his stead without the knowledge and consent of the revenue authorities. There is no reason for exempting this case from the operation of that Regulation which is generally applicable to all cases of endowment for religious purposes.”

We are of opinion that this was a judicial decision arrived at in 1830 in which Wasik Ali represented the interest of the mutwalli claiming under the deed of endowment against the Government. We do not understand why the reporter says that this was a mere dictum. The point was specifically raised and clearly decided, and was binding on the trustee claiming under the deed on the one hand and the Government on the other. Syed Ashrafuddin as the present mutwalli is representative of Wasik Ali on the one hand, and the present committee is the representative in interest of the Government on the

other. We are of opinion that the question is, and would be held to be, *res judicata* as between Syed Ashrafuddin and the committee, and it is now too late to attempt to re-open the question. The decision was to the effect that the provisions of the Regulation applied, and no appointment without the knowledge and consent of the revenue authorities was valid. It would be quite impossible now to induce a court to re-open the question as to the legality of the action taken by the Board of Revenue nearly a century ago, and we are fortified in this conclusion by the decision of the Madras High Court reported in I. L. R. 12 Mad., 366:

In 1836 the Board of Revenue dismissed Syed Akbar Ali Khan whom they had appointed in 1818. After some temporary arrangements—all made by the Board of Revenue—Syed Keramat Ali, the predecessor of the present mutwalli, was appointed by the Board of Revenue as mutwalli on the 31st January 1837, and he continued in this office till 1875. Here we ought to notice a letter dated the 17th of December 1858 on which much reliance is placed by Syed Ashrafuddin. The Board of Revenue in that letter negatived the application of the then mutwalli, Syed Keramat Ali for a pension. In the letter, however, there is an expression of opinion—the Board state: “When he (Syed Keramat Ali) finds himself incompetent to discharge the functions of the office, which it does not appear the present applicant is, he is to appoint a successor.” The letter as we have said dealt with the question of pension, and this expression of opinion is put forward as a ground for not granting it. The question then had not arisen as to the appointment of a successor to Syed Keramat Ali, and, therefore, the view expressed could not be treated as pertinent directly to the matter of succession. At the highest it can only be treated as an admission, but we consider that such an admission with regard to the construction of a document so made incidentally can have no legal effect, especially regard being had to the fact that it amounts, if anything, to an admission on a matter which is a question of law and not of fact.

When the Religious Endowment Act, XX of 1863, was passed, Syed Keramat Ali was still the mutwalli. The Government then considered, without any protest on the part of Syed Karamat Ali, that the Syedpur Trust Estate was one which came within the scope of section 21 of the Act, and directed the Board of Revenue to make over to the committee to be appointed under the Act only the Imambara at Hooghly and the garden, bazar, and other grounds adjoining it, and to keep the Syedpur Estate in its own hands paying periodically to the committee—

- (i) three-ninths of the income for the expenses of the religious observances and other appointed festivals and for the repairs of the Imambara;
- (ii) one-ninth for the use of the Agent or the Superintendent; and
- (iii) so much of four-ninths as may properly be devoted to the payments of establishments connected with the Imambara.

It appears, however, that no effective committee was appointed by Government until 20th July 1875, although some attempt was made as to the formation of a committee in 1871. In 1875 Sayed Keramat Ali having become old, desired to retire, and it appears that a number of applications were then made to the Board of Revenue by a number of persons, including Syed Ashrafuddin, to be appointed mutwalli in his place. It appears that when the selection of a successor was being discussed, a claim was put forward by Syed Keramat Ali to a right to appoint or nominate a successor to himself. The Board of Revenue in their letter of the 8th of March 1875 in most emphatic terms repudiated this claim, and asserted that it was for the Government to make the appointment although any recommendation of fitness by Syed Keramat Ali would receive its full weight in making the selection. After having considered the claims of all the applicants, the Government appointed Syed Ashrafuddin mutwalli on the 25th June 1875 in these terms: "The Lieutenant-Governor is pleased to appoint Ashrafuddin Ahmed to be the mutwalli of the Hooghly Imambara in succession to the present mutwalli, Maulvi Keramat Ali". It appears to us to be quite clear that Syed Ashrafuddin holds his office by virtue of his appointment by the Government, and not by nomination as of right of his predecessor whose claim to the power of nomination was specifically and emphatically repudiated. When the committee was formed in July 1875, it recognized Syed Ashrafuddin as the mutwalli. It appears that a committee has been in existence since 1875, and it further appears that the Government has retained possession of the Syedpur Estate ever since 1818, and has since then been making over only the four-ninths of the income thereof to the committee to be paid to the mutwalli from time to time retaining the remaining five-ninths of the income for secular Muhammadan education. We note here the letter of the 30th September 1900, which is relied upon by Syed Ashrafuddin. In that letter there is an expression of opinion with regard to the power of the committee in respect of the appointment of a mutwalli to succeed another, but it negatives the claim of Syed Ashrafuddin to nominate his successor in these emphatic terms: "The mutwalli in charge has always since (a very early period) been merely a Deputy of Government." Syed Ashrafuddin in his letter of the 9th December 1906 containing an application by him to the Government requesting it to nominate his son as successor himself wrote as follows:—

"Apart from the donor's will and the late lamented Mr. Faulder's celebrated letter of 30th September 1900, to Government, I am lucky like my predecessor, Maulvi Syed Keramat Ali, to nominate my successor, *vide* the Board's No. 329 of the 17th December 1858, of course with the approval of Government." We find, therefore, that since 1818 at all events Government has in fact retained possession of practically the whole of the income producing property belonging to the endowment, has repeatedly and without any exception dismissed and appointed mutwallis in assertion of right; in the litigation terminating in 1830 Government successfully established by the decree of Civil Court that the provisions of Regulation XIX of 1810 applied to the endowment, and that no appointment without its approbation was valid;

on the passing of the Act, XX of 1863, Government dealt with the trust estate under section 21 of that Act, and retained a portion of the income of the property for secular purposes; in 1875 Government repudiated the right of the mutwalli in charge to nominate his successor and appointed Syed Ashrafuddin in assertion of its right to do so; shortly thereafter Government appointed a committee under the provisions of Act XX of 1863, which has been in existence since then; and even as late as 1906 Syed Ashrafuddin himself acknowledged writing the fact that his successor could only be appointed with the approbation of the Government. We are, therefore, clearly of opinion that it is impossible for Syed Ashrafuddin now to assert a right on the basis of the original deed of endowment to nominate his successor. Apart from anything else he is precluded from doing so by the law of prescription. It is not necessary to deal in detail with the subsequent history of the endowment relating to the differences between the committee and Syed Ashrafuddin, nor is it necessary to discuss the attempted appointment of his son Syed Ali Nawab. We now proceed to answer the queries put to us.

ANSWERS.

(1) We are of opinion that the Committee of Management have power to dismiss the mutwalli and to appoint his successor [Ganapat Iyer, page 48 (1867) 3-M. H. C., 334].

(2) The committee have the power to dismiss Syed Ashrafuddin for just and proper cause, and they need not seek in the first instance the aid of the Civil Court. Ashrafuddin if and when dismissed may if he thinks fit in a civil suit in a competent court impugn the action of the committee on the ground of the absence of just and proper cause. If he does so, the committee would have to establish the existence of just and proper cause justifying the dismissal. Neither the Government nor any authority other than the Civil Court has jurisdiction in this matter.

(3) In our opinion it is not necessary for the committee to have recourse to the Civil Courts before dismissing the mutwalli for just and proper cause (*vide* 28 M.L.J., 230).

(4) In all the circumstances we are of opinion that the mutwalli is not competent to appoint his own successor. As we have said we rely more upon the facts stated than upon the interpretation of the deed of endowment. To the second part of the question our answer is that even if the mutwalli had such power of appointment, such appointment would be subject to the approval of the committee.

(5) As we have already said, the decision of the Sudder Dewany Adawlat in our opinion is binding as *res judicata* between Syed Ashrafuddin on the one hand and the committee on the other. With regard to the latter part of the question, the decision only left it to the discretion of the Government to appoint Wasik Ali if it thought fit giving full weight to the recommendation of the last holder of the trust, it being open to the Government to override his recommendation.

(6) We are clearly of opinion on the facts that the mutwalli cannot found any legal claim on the alleged appointment by his predecessor Keramat Ali.

Nor can the mutwalli put forward a legal claim to appoint his successor. Syed Ashrafuddin accepted his appointment from Government and in the circumstances it does not lie in his mouth to assert independently of it. If he intended to insist upon his right to office of mutwalli on the alleged ground of his having been ousted by his predecessor, Syed Keramat Ali, he ought to have made his claim within the statutory period, and not having done so is barred by the statute of limitations.

G. H. B. KENRICK,

Advocate-General, Bengal.

B. CHAKRAVERTI.

RASHBEHARI GHOSH.

HIGH COURT, CALCUTTA,

The 11th January 1916.

NOTE TO BE ANNEXED TO OPINION.

WITH reference to the opinion given by me on the 30th September 1913 on the case submitted on behalf of the mutwalli, I desire to point out that the whole of the material facts and documents now before me were not then submitted to me, and certain facts were not fully stated or were mis-stated, in particular:—

(1) It was not stated in the case that subsequently to the dismissal of Rajab Ali and Baker Ali all succeeding mutwallis were in fact appointed by Government, namely:—

Akbar Ali in 1819;

Meer Ghalib Ali and Zynuden Hussain in 1836;

Syed Keramat Ali in 1837;

Syed Ashrafuddin in 1875.

The case, on the contrary, suggested that Syed Keramat Ali nominated Syed Ashrafuddin as his successor as of right, and that this nomination was accepted by Government as though admitting such right.

(2) The judgment of the Sudder Dewani Adawlat of 1830, which is printed in full in the printed record was not before me, nor did the case fully set out its findings or effect. It is clear that the court in 1830 held that the appointment of a successor to the mutwalli was subject to the control and confirmation of Government. This is now *res judicata*, and for this purpose the committee since 1863 takes the place of Government.

(3) I was inaccurately stated that the suit was dismissed by the Privy Council in 1835, because Wasik Ali failed to prove his appointment satisfactorily, whereas the case was never before the Privy Council, and the judgment of the Sudder Dewany Adawlat stands uncontested.

(4) No reference was made to the fact that the mutwalli in his letter of the 9th December 1906 expressly acknowledged that the approval of Government to a nomination of a successor by him was necessary, nor was any copy of that letter before me.

G. H. B. KENBICK,

Advocate-General, Bengal.

CALCUTTA,

The 11th January 1916.

Ali, who was dismissed for misapplication of trust funds,¹ Galeeb Ali² and Zainuddin Hossain were appointed successively as temporary mutwallis. The former appears to have been appointed under a misapprehension and remained for a few days only. Syed Keramat Ali, the predecessor of the present mutwalli, was appointed by Government as mutwalli on 3rd January 1837.³ When the Religious Endowment Act, XX of 1863, was passed, Government considered that the Syedpur Trust Estate was one which came within the scope of section 21⁴ of the Act. Accordingly Government directed the Board of Revenue to make over to the committee⁵ to be appointed under the Act only the Imambara at Hooghly and the garden, bazar and other grounds adjoining it, and to keep the Syedpur Estate in its own hands, paying periodically to the committee—

- (i) three-ninths of the income for the expenses of the religious observances and other appointed festivals and for the repairs of the Imambara ;
- (ii) one-ninth for the use of the Agent or the Superintendent ; and
- (iii) so much of four-ninths as may properly be devoted to the payments of establishments connected with the Imambara.

This committee, however, was not appointed for a number of years after the passing of the Act.

Syed Koramat Ali⁶ retired in 1875, and on his recommendations Syed Ashrafuddin was appointed in his place by Government on 25th June 1875. On this occasion mutwalli Keramat Ali appears to have put forward a claim to nominate his successor⁷ under the terms of the deed of endowment, but the Board of Revenue opposed such a claim taking the position that Government was the real mutwalli, and that Keramat Ali was the servant of Government. In this connection paragraphs 6 and 7 of the letter of Board of Revenue, dated the 6th March 1875 (page 430 of the printed book) may be read. Government however ordered⁸ that full weight should be given to any recommendation which the mutwalli might make. Finally on receipt of a report from the Board of Revenue, Government appointed Ashrafuddin Ahmad to be mutwalli on 25th June 1875. It appears that the member of the Board in charge had recommended Ashrafuddin Ahmad as the person selected by the then mutwalli. It will be seen that the appointment of Syed Ashrafuddin took place 12 years after the Act of 1863 had come into operation. Although one of the objects of this Act was to relieve the Board of Revenue from the duties imposed on them by Regulation 19 of 1810 so far as these duties embraced the superintendence of religious endowments and the appointment of trustees of such endowments, as a matter of fact no committee under section 7 of the Act which was to replace the authority of the Board in discharge of the duties abovementioned, was constituted until July 1871.⁹ This committee consisted of 3 members only. They did not, however, enter upon their duties nor did the local agents at Hooghly make over charge¹⁰ of the properties to them. One of the members of the committee had in the meantime died.¹¹ A fresh

Page 135-36
and 159-60 of
Printed Collec-
tion of Papers
relating to the
Hooghly
Imambara.

² Pages 209-11
of ditto.

³ Page 251 of
ditto.

⁴ Page 387 of
ditto.

⁵ Page 389 of
ditto.

⁶ Pages 471-81
of ditto.

⁷ Page 430 of
ditto

⁸ Page 442 of
ditto.

⁹ Pages 410-11
of ditto.

¹⁰ Page 413 of
ditto.

¹¹ Page 413 of
ditto.

¹ Pages 477-78 of Printed Collection of Papers relating to the Houghly Imambara.

² Pages 645, 646 and 756 of ditto.

³ Page 697 of ditto.

⁴ Page 697 of ditto.

⁶ Page 700 of ditto.

⁶ Page 707 of printed collection.

⁶.

⁷ Page 708 of ditto.

⁸ Page 756 of ditto.

⁹ Page 709 of ditto.

¹⁰ Page 709 of ditto.

¹¹ Page 713 of ditto.

¹² Page 715 of ditto.

¹³ Page 755 of ditto.

committee was therefore, appointed by Government on 20th July 1875. Less than a month before the constitution of this committee, Syed Ashrafuddin, the present mutwalli, was appointed by Government. It seems pretty clear that the appointment of Syed Ashrafuddin was hastened in view of the constitution of the committee which was then under discussion. Syed Ashrafuddin continued to act as mutwalli and was recognized² as such by the committee. In the year 1906³ he proposed that the nomination of his son Syed Ali Nawab as his successor might be approved by Government claiming at the same time that he had the right under the deed of endowment⁴ to nominate his successor subject to the approval of Government. In demi-official letter No. 87 of 22nd March 1907, addressed to the Commissioner of Burdwan, Government emphatically declared after referring to the older correspondence on the subject that the mutwalli had no right to nominate his successor, and it was also stated that Government would not agree to nominate a successor until Syed Ashrafuddin actually retired, but that any recommendation⁵ made by him would be duly considered. These orders were issued after full consideration by the Hon'ble Members of the Board (Messrs. Slacko, Macpherson and K. G. Gupta) with whom Sir Andrew Fraser agreed.

In the year 1908,⁶ mutwalli Ashrafuddin again approached Government praying for a pension and for the appointment of his son, Ali Nawab, as mutwalli. After some discussion, orders were issued by Government on the 20th of November 1908⁷ sanctioning the grant to Syed Ashrafuddin of a moiety of the mutwalli's salary by way of pension, the other being fixed as the pay of his son, Ali Nawab, who was appointed mutwalli in his place. On the 4th December 1908 Ashrafuddin made over charge to the new mutwalli, Ali Nawab.

It will be remembered⁸ that the deed executed by Haji Muhammad Mohsin in 1806 provided for two mutwallis, who were each to receive one-ninth of the proceeds of the zamindari. When Government in 1818 took over charge of the endowment, it entrusted the duties of mutwalli to a single person and fixed his salary at one-ninth of those proceeds.

On the 4th January 1909,⁹ the Committee of Management submitted a representation to Government urging among other things that sections 13 and 14 of Regulation 19 of 1810, and sections 7¹⁰ and 22 of Act XX of 1863, gave the power of appointing a Superintendent to the Committee, and that the Government had no right to make such an appointment. Government, however, did not assent¹¹ to this view whereupon a memorial¹² was submitted to the Government of India by the Shia Muhammadans of Calcutta and other places raising among others the same question. On the 17th March 1909, Mr. Duke (now Sir William Duke), the then Chief Secretary suggested that the opinion of the Advocate-General should be obtained and a case should be stated for him. Sir Edward Baker concurred, and accordingly a case was stated by the Legal Remembrancer for Counsel's opinion.¹³ The Advocate-General's office being then vacant, Mr. B. Chakravarti, Dr. Rash Behari

Ghosh, and Khan Bahadur Serajul Islam (now Nawab) were asked give opinion on the case stated by the Legal Remembrancer. They were unanimous in the expression of their opinion :—

- (1) That from 1875,¹ that is, after the appointment of the committee, the power of appointing a mutwalli vested in the local committee, and that the appointment of Ali Nawab by Government was invalid.
- (2) That Government having no power either to appoint or remove a mutwalli, Ashrafuddin Ahmad was still the mutwalli in the eye of the law.
- (3) That Government had no power to split up one-ninth of the income payable to the mutwalli as remuneration into two parts and grant a moiety thereof as a pension to Ashrafuddin Ahmad.

This view of the case was accepted by Sir Edward Baker. A copy of the legal opinion² was forwarded to Ashrafuddin Ahmad and subsequently the order appointing Syed Ali Nawab to the mutwalli was cancelled. Thus Ashrafuddin Ahmad still holds the office of mutwalli. The committee, however, are not satisfied with him. The committee on the authority of the opinion quoted above claimed the right to dismiss the mutwalli and on the 12th of August 1910 gave him notice dispensing with his services with effect from the 15th August 1911. They gave certain reasons for the action taken by them but it is unnecessary to mention them here. In answer to the notice the mutwalli denied the authority of the committee to dismiss him. In letter No. 199, dated the 29th September 1913, the committee informed the Government that they had resolved unanimously to retire the present mutwalli, Nawabzada Syed Ashrafuddin Ahmad, and to appoint Maulvi Syed Muhammad Raziuddin as mutwalli in his place. Government, however, have not admitted the claim of the committee to dismiss the present mutwalli, and have insisted that so long as the mutwalli continues to remain in charge of the Imambara, the committee must continue to provide him with funds to perform the duties of the mutwalli. The present position is this: The committee, though out of deference to the wishes of Government, they still continue to treat Syed Ashrafuddin as mutwalli, persist in their claim to have the authority to dismiss him. The mutwalli contests this claim and also repeats his previous contention that under the terms of the *towliatnama* he has the right to appoint his successor. It has been pointed out before that this last claim has not been recognized by Government. In answer to this claim the committee contend, for reasons given by them in detail, that the power given by the *wakfnama* was confined to the two mutwallis mentioned in the deed of endowment; that the present mutwalli, though called as such, is nothing but a servant of Government; and that even if the provision of the deed about the appointment of a successor applied to mutwallis generally, Syed Ashrafuddin is not a mutwalli within the meaning of that document at all. They contend that the authority to nominate a successor even if it extended to mutwallis other than the two original mutwallis became inoperative on the death of Bakar Ali and Wasiq

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Ali, respectively; and that the link between the original two mutwallis was taken once for all, and with it the right of nomination, if it existed then at all, became extinguished. The committee refer in this connection to the proceedings of the Governor-General of India in Council, dated the 28th October 1835,¹ in which it is distinctly stated that on the conclusion of the litigation in the Sadar Dewany Adawlat, "the Governor-General in Council deemed himself to have succeeded to the full authority and powers assigned by Haji Mohsin to the mutwallis." Reference may also be made to the letter of the Board of Revenue, dated the 22nd December 1875,² in which it was stated that "the so-called mutwalli³ appointed by Government was only its agent to administer the affairs of the endowment."

¹ Page 174 of Printed Collection of Papers relating to the Hooghly Imambara.

² Page 507 of ditto.

³ Page 507 of ditto.

The mutwalli lays stress upon a letter of the Board of Revenue, No. 329, dated the 17th December 1858, as admitting the right of the mutwalli to appoint his successor. It is for consideration how far that letter can affect the question. It dealt with the point whether the mutwalli could get a pension. It may further be urged on behalf of the mutwalli that the committee even, if, it has the right of dismissing him, cannot do so except for good cause, and that such cause must be established, in a Court of Justice. This aspect of the case was not considered, and as a matter of fact did not arise when legal opinion was taken by Government in June 1909.⁴

⁴ Page 756 of ditto.

⁵ Page 753 of ditto.

The opinion given by Mr. B. Chakravarti and others in 1909⁵ is not clear on this point, nor does it deal with the mutwalli's claim based on the terms of the deed to appoint his own successor. As a matter of fact the question of the competency of the committee to dismiss the mutwalli does not seem to have been submitted for opinion at that time and the question did not then arise. While the opinion says that the committee have the right to appoint a mutwalli, it says nothing about dismissal, nor does it deal with the question whether the committee is competent to dismiss the mutwalli without proof of misconduct and, if so, whether it is necessary to prove such misconduct in a Court of Justice.

The mutwalli has filed an opinion of the Advocate-General to the effect that the endowment created by Haji Muhammad Mohsin does not fall within the description given in section 3 of the Act, XX of 1863, inasmuch as the nomination of the trustee of the Imambara was not vested in or subject to confirmation by Government at the time of the passing of Act XX of 1863. But it is submitted that in this opinion of the Advocate-General the effect of the decision of the Sadar Dewany Adawlat previously mentioned (*vide* the judgment of Mr. Money, page 238 of the printed collections), and the facts that Government did in fact exercise the power of appointing mutwallis and actually appointed Ashrafuddin Ahmad himself, have not received full consideration owing to the way in which the case was stated for the Advocate-General's opinion. It was indeed wrongly suggested that Wasiq Ali's suit was dismissed⁶ by the Privy Council because he had failed to prove his appointment satisfactorily. As a matter of fact the case never went up to the Privy Council at all, and the Sadar Dewany Adawlat based their

⁶ Page 286 of ditto.

decision on several grounds. In that statement there is also the suggestion that Ashrafuddin Ahmad was nominated by Syed Keramat Ali in accordance with the terms of the deed of endowment and, Government accepted the nomination. The actual facts have been given above.

Further, if Rajab Ali Khan, who was one of the trustees named in the deed of endowment could not appoint a successor without the knowledge and consent of the Board of Revenue as was held by the Sadar¹ Dewany Adawlat, it is questionable if the present mutwalli could do so without the consent of the committee who now stand in the shoes of the Board of Revenue so far as the exercise of these powers are concerned. The present state of things is very unsatisfactory, and it is desirable that the relative rights of the mutwalli, the Committee of Management and Government should be clearly understood. Government would, therefore, wish to be advised on the following points :—

- (1) Have the Committee of Management the power to dismiss Syed Ashrafuddin and to appoint his successor?
- (2) Are they bound to show good cause for such dismissal? If so, is Government or any other authority competent to examine the validity of the cause shown?
- (3) Is it necessary for the committee to have recourse to the Civil Courts to secure the dismissal of the mutwalli?
- (4) Having regard to the facts stated and on a proper interpretation of the terms of the deed of endowment, is Syed Ashrafuddin competent to appoint his own successor; and, if so, would such appointment be subject to approval either of the committee or of the Local Government?
- (5) What is the effect of the decision of the Sadar Dewany Adawlat that Rajab Ali had no power to appoint his successor without the sanction and approval of the Board of Revenue or of Government, and that by virtue of Rajab Ali's nomination Wasiq Ali had a preferential claim to the office, if Government cared to consider his claims?
- (6) The Government of Bengal having appointed Syed Ashrafuddin to the office in assertion of a right adverse to the claim of his predecessor (mutwalli Keramat Ali) to appoint his own successor, and Syed Ashrafuddin having entered office under such an appointment from Government, can he now—
 - (a) fall back on an appointment, if any, made by mutwalli Keramat Ali, and
 - (b) put forward a claim to appoint his successor?

Would any law of limitation or estoppel bar such a right?

J. C. TWIDELL.

The 16th July 1915.

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